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CONSTITUTIONS,
ELECTORAL LAWS, TREATIES
OF STATES IN THE
NEAR AND MIDDLE EAST

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To

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Foreword

It is with particular pleasure that I write these lines to recommend to specialists in constitutional law and political science, in Europe as well as in America, the excellent work of Helen Miller Davis.

This collection of constitutions of the Near and Middle East fills a gap: before the appearance of this book there existed no compilation in English containing the texts, verified, brought up to date and completed, of the recent modifications of the oriental constitutions. The author has traveled extensively in seven of the ten States of the Near East and has been for years in constant communication with scholars, political leaders, and administrators of the countries whose constitutional texts she has gathered together. The making of this volume has taken years of work, of research, of correspondence, of constant and persevering effort.

Since, between the two wars, I have myself published, or directed the publication of, numerous constitutional texts, I am able to appreciate Mrs. Davis's work. How many difficulties, obstacles, trials, one meets in the search for legislative texts! The author of this book has known how to surmount these difficulties.

The material contained in Mrs. Davis's collection goes far beyond the formal limits of the constitutions. In addition to the constitutional texts properly so called, the reader will find also the texts of the electoral laws. Even more: Mrs. Davis also gives the texts of international treaties and conventions. Thus this book contains not only the constitutions, but for each country a certain group of instruments of *droit public.* This broadening of the scope of the collection adds to the merit of the work, for it furnishes the reader with a documentation useful to his general understanding of the political life of the Near East.

The pace of modern political life is so rapid that collections of texts become out of date far too quickly. But knowledge of the

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conditions of contemporary political life requires a methodical, scientific documentation. Helen Miller Davis has done a very valuable piece of work. I hope that this volume, so useful to all those interested in international problems, will be widely known, consulted, and studied.

BORIS MIRKINE-GUETZÉVITCH

Doyen de la Faculté de Droit et des Sciences Politiques de l'Ecole Libre des Hautes Etudes de New-York.

Vice-Président de l'Institut International d'Histoire Politique et Constitutionnelle.

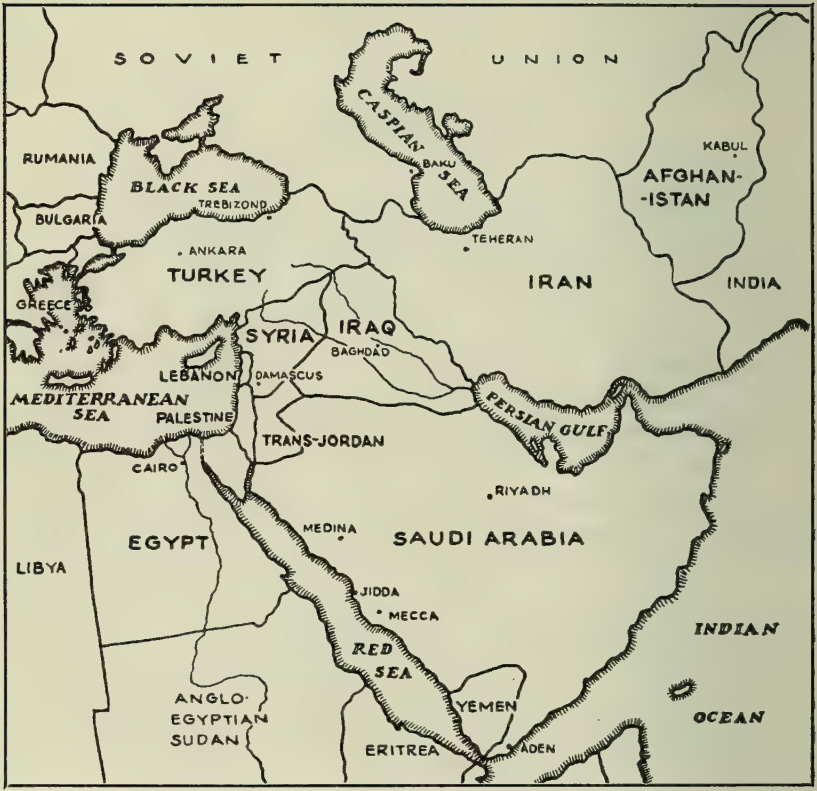
Introduction

The decision to publish in a single volume documents such as are contained in this collection was made in 1932 during a long stay and considerable traveling about in the Arabic-speaking lands and in Turkey. In all of the countries visited new forms of government had come into existence since the First World War. Everywhere the intense interest of the citizens in current political questions was evident. This interest has not abated. And yet in some of the ten States dealt with in the present volume, many people are dependent for the terms of their own or of other recent constitutions and for the terms of important treaties upon copies or summaries as printed in newspapers. In some cases, even where a government press exists, budgetary considerations at times severely limit the number of copies of any official document published. Well-indexed modern libraries are rare. The result is that for large numbers of the people most concerned reliable texts of domestic measures are difficult to obtain, while it is next to impossible to get copies of the official documents of neighboring States. This situation has improved during the past decade, but to a large extent still exists.

The original intention was to limit this survey to lands formerly part of the Ottoman Empire. Certain developments, however, have revealed connections existing throughout a wider area. The common interests of Iraq and Turkey with Afghanistan and Iran have drawn the two easterly States more closely into the circle, and despite their individual differences and varied political interests and affiliations, the group of countries whose constitutions are now included in this collection may be regarded as forming a fairly well-defined political as well as geographical area. The reader will notice that this volume has reference to no State having territory in Europe save Turkey.

The languages and dialects used in the Near and Middle East are many, and with the exception of Arabic, not widely read. Arabic is not understood in all of these ten countries or among all groups

THE STATES OF THE NEAR AND MIDDLE EAST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within them. Dependable translations in English or in French will, it is believed, make these fundamental documents available, not only to a large number of the educated nationals throughout the area, but also to resident foreigners and to Occidentals generally who might have difficulty with official texts in Oriental tongues. Some of the State papers included have never before been published in English. In a few cases the official French has been retained.

While the gathering and publication of this collection of texts was suggested by the need of the nationals for documents published in a language generally understood by those politically active, there was a second reason for this undertaking. To this observer it was evident in 1932 that events were on the way in this region which would affect the interests of foreign Powers and that this whole area in which such kaleidoscopic changes had taken place since the beginning of the century would soon attract the attention of a world to a great extent ignorant as to the nature of and the reasons for those changes. These documents reflect the present situation, and it is hoped that they may be of use to students in Europe and the Americas.

At the present time throughout the Near and Middle East political, economic, and human problems of immediate interest not only to these ten States, but to the United Nations, are calling for solution. The world is at last awake to the fact that this region is still, as it has been for centuries, one of the important crossroads of civilization, as well as one of its sources. Citizens of the United States and of other countries feel, or should feel, the need to know more about the religions, the languages, the customs, the cultures, the needs, and the hopes of the people in these ancient countries who are now creating a modern life of their own. These subjects are of course beyond the scope of the present volume, but the formal legal texts not only set forth the systems of government, but express to a large extent the ideals of the peoples of these nations. All the documents throw light on the problems, the mentalities of the leaders, and the general tendencies of the time in these lands so fascinating because of their ancient history, their gifts to mankind, their difficulties, and their aspirations.

There are many fields of exploration for the student. For lack of space, documents are omitted from this collection which cover the negotiations, the work of special commissions, and the agreements by means of which the boundaries of the new Near and Middle Eastern States have been defined. This is a highly important subject, worthy of study especially with reference to lands inhabited for centuries by nomadic groups, to whom such a thing as a surveyed frontier line had been hitherto unknown. In an entirely different field, as yet little noted, is the slow and partial development of secular law side by side with the continuance of the Koranic law in Moslem lands. In the West the development of civil as distinct from ecclesiastical law took centuries. The effect of science on education in the Near and Middle East and the results of contact with the Western democracies are also alluring subjects for further study and evaluation.

It has been difficult during the war period to complete this collection and to make sure that the texts are up to date. The opinion formed in 1932 that the Western countries must now know more about the Near and Middle East and that these Eastern countries should have all possible assistance in their strivings for self-government along increasingly democratic lines has stiffened the persistent effort to finish this task. In so far as the work has been satisfactorily done, it has been accomplished because of the aid of many persons. Help has been given by officials, experts in several fields, friends of varied pursuits, of nearly all the races and in all the countries represented in this survey, as well as in England, France, and the United States. Thanks are due to them all.

A special debt of gratitude is acknowledged to the Division of International Law of the Carnegie Endowment for International Peace, which made possible the necessary research and translation; to Dr. Boris Mirkine-Guetzévitch, Vice-President of the Ecole Libre des Hautes Etudes in New York, who has so kindly written the foreword to this volume; to Dr. Ernest Hamburger, member of the Faculty of Law and Political Science of the Ecole Libre des Hautes Etudes, New York, who has so skilfully and so generously collaborated in all the later stages of the work; and finally to Dr. Stuart C. Dodd and other members of the faculty of the American University of Beirut, Lebanon, who have been most helpful.

Particular mention should be made of the assistance given in the search for material by the librarians and other officials of Foreign Offices in several countries and of the Department of State of the United States; by a number of diplomats of our own country and of the ten States dealt with in the volume; by officials of the League of Nations; by the British Information Services, the Woodrow Wilson Library, and the International Documents Service of Columbia University, all in New York; and by the following scholars, without whose encouragement and suggestions the work could not have been done: the late Dr. Frederick Keppel, then President of the Carnegie Corporation; Mr. George A. Finch, Director of the Division of International Law of the Carnegie Endowment; Dr. James T. Shotwell, Director of the Division of Economics and History of the Carnegie Endowment; Dr. Edward Mead Earle, of the Institute for Advanced Study, Princeton; Dr. Philip Hitti, of Princeton University; Dr. John I. Knudson, of the Polytechnic Institute of Brooklyn; Dr. Ahmed Enim Yalman, of Istanbul; Dr. Hans Aufricht, of New York; the Emir Abbas Faroughy, of New York; and Dr. Habib Kurani, of Washington.

For permission to reproduce certain texts thanks are expressed to Mr. G. Howland Shaw, formerly First Secretary of the American Embassy in Turkey; Fuad Bey Hamza, Deputy Foreign Minister of Saudi Arabia; Dr. Eliot G. Mears, of Stanford University; the Institute of Current World Affairs, New York; G. Routledge & Sons, Ltd., London; Luzac & Company, London; His Majesty's Stationery Office, London; the International Documents Service, Columbia University; and the Government of Transjordan.

Finally to the "alumni," both men and women, of International House, New York, who made an American visitor welcome to their native lands and not only partially inspired this work but also helped in its accomplishment, a word of warm appreciation and gratitude is due.

It should be noted that the spelling of words and names from the Arabic, Iranian, and Turkish languages differs from text to text and sometimes within the same text. It has been thought best to copy these words exactly as found in the translations used.

Edward Granville Browne's translation of the Iranian Constitution was used so far as it was completed before his death, because of the assurance by Iranian scholars that it is the best to be found in English.

HELEN MILLER DAVIS

May 1, 1946
Castle Point
Hoboken, N. J.

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PART I

STATES IN THE NEAR AND MIDDLE EAST

Afghanistan

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British and Foreign State Papers, vol. 134 (1931), H.M. Stationery Office, London, pp. 1192-1204.

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FUNDAMENTAL PRINCIPLES OF THE GOVERNMENT OF AFGHANISTAN—OCTOBER 31, 1931;[1] WITH ADDENDUM—FEBRUARY 22, 1933

In the name of Allah the Most Merciful!

General Principles

1. The faith of Afghanistan is the sacred faith of Islam, and the official religion and that of the population in general is the Hanafi religion. The King of Afghanistan should be a follower of this religion. Followers of other religions, such as Hindus and Jews, who live in Afghanistan, provided they do not infringe the ordinary rules of conduct and propriety, also enjoy protection.

2. As the Afghan Government enjoys complete independence in the administration of its internal and external affairs, all places and parts of the Kingdom constitute a single entity under the command and the exalted direction of His Majesty the King, and no distinction is made between different parts of the Kingdom.

3. The city of Kabul is the capital of Afghanistan, and all residents of the Kingdom are equal in the eyes of the Government. The residents of the city of Kabul have no special rights as compared with those of other cities and towns of the Afghan Kingdom.

4. The official flag of Afghanistan is black, red and green, and bears in the centre an ear of wheat, a Mihrab (arch) and a pulpit.

Rights of the King

5. In appreciation of the devotion shown and services rendered by His Majesty the Ghazi Muhammad Nadir Shah Afghan, in obtaining the independence and deliverance of the land of Afghanistan, and the uprooting of oppression and despotism, the Afghan nation in general has recognised His Majesty as a fit and worthy King

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[1] Published in *Islah.* Kabul. November 22, 1931.

of his country, and has accepted him as such with the greatest esteem and respect. His Majesty the King, at the time of his accession to the Throne of independent Afghanistan, publicly undertook, in the presence of the representatives and nobility of Afghanistan, to carry on the administration in accordance with the dictates of the expounders of the sacred Shariat of the Holy Prophet (peace be upon him!) and the Hanafi religion, and the fundamental principles of the country, and to regard the preservation of the independence of Afghanistan as one of his most important duties, to be true to his nation and country, and not to infringe the above-mentioned stipulations. The noble Afghan nation therefore agrees that the Crown of Afghanistan will be transferred to the family of this King, who desires the progress of the country, and that succession to the Throne will be in accordance with the selection of His Majesty and the people of Afghanistan.

6. The King of Afghanistan, before his accession to the Throne, shall make and sign the following declaration in the Chamber of the National Council, and in the presence of the members:—

"I swear by Almighty God and the sacred Koran, knowing that God the Glorious is omnipresent and omniscient, to rule according to the Shariat of Mahomet (peace be upon him!) and the fundamental rules of the country [and to strive] for the protection of the glorious religion of Islam, the independence of Afghanistan and the rights of the nation, and for the defence, progress and prosperity of the country, so help me God through the blessing of the sacred spiritual force of the blessed saints (the approval of God be upon them!)."

7. In Friday sermons the name of the King will be mentioned, and coin of the realm will bear his name, and other rights as follows will vest in the King:—

Bestowal of rank and office, awards of honours, appointment of the Prime Minister, sanction of the appointment, transfer and dismissal of Ministers, assent to measures passed by the National Council, proclamation and enforcement of the same, protection and carrying out of the Shariat and civil laws, command of the military forces of Afghanistan in general, declaration of war and conclusion of peace and treaties generally, remission and reduction of punishments in general according to Shariat law.

8. An allotment for the expenses of the King should be included in the budget of the country.

General Rights of Afghan Subjects

9. All persons residing in the Kingdom of Afghanistan are called Afghan subjects without any distinction of creed and religion. Afghan nationality is acquired or lost in accordance with the nationality laws.

10. All Afghan subjects, although required to observe the injunctions and prohibitions of their Government in religious and political matters, are free to enjoy all rights conferred by Shariat law.

11. There is no interference with personal liberty. No one is imprisoned or punished without an order in accordance with the Shariat or the appropriate laws. The practice of slavery is forbidden in Afghanistan. No male or female may keep any person as a slave.

12. Afghan subjects are free, within the limits of the appropriate regulations, in all matters relating to trade, industry and agriculture.

13. All Afghan subjects have equal rights and duties under the Shariat law and the law of the State.

14. Any Afghan subject, according to his ability and capacity, is taken into Government service as required.

15. In Afghanistan the movable and immovable property of everyone is protected. In the event of any immovable property being required by Government in the public interests, the value of it will be paid to the owner according to Shariat law and the special Code concerned, before it is taken over.

16. The residence of every Afghan subject is safe from every sort of interference. No official or other person may enter a private residence without an order under Shariat law or the law of the land.

17. Confiscation of both movable and immovable property is forbidden, with the exception of that belonging to persons residing abroad making propaganda or intrigues against the Afghan Government.

18. Levies of money and forced labour are prohibited, except during time of war.

19. The rack and other kinds of torture are absolutely abolished. No punishment can be inflicted which is not prescribed by the law of the land and the sacred Shariat law.

20. Primary education for the children of Afghan subjects is compulsory.

21. In Afghanistan, instruction in the knowledge of Islam is unrestricted. Every Afghan subject is permitted to impart Islamic religious instruction. Foreigners, however, with the exception of those engaged to teach arts, industries and foreign languages, are not permitted to open and conduct schools in the Kingdom of Afghanistan.

22. The public schools in Afghanistan are under the supervision of the Government, so that the education and culture imparted by these institutions may, without infringing the articles of the Islamic faith, provide the benefits which accrue from the study of literature, art and science. But there will be no interference with principles of education which are concerned with the faith and religion of the "Ahl-i-Zimma."[1]

23. Publications and newspapers of Afghanistan, such as are not against religion, are under no restrictions save as provided by the special law relating to them. The right of publishing news belongs only to the Government and to Afghan subjects. The entry into Afghanistan of foreign newspapers which do not contain matter against religion and the policy of the Afghan Government is unrestricted.

24. The settlement of personal disputes and other matters between subjects falls within the province of the courts of justice and other official departments connected therewith, and such persons as are not satisfied with a decision and order of a court may appeal to higher authorities up to the Ministry concerned and, if still not satisfied, to the Prime Minister and His Majesty the King.

25. Fixed revenues and taxes are recovered in accordance with a separate Code.

26. Nothing may be recovered from anyone beyond what is laid down in the Government Codes.

SHURA-I-MILLI ["NATIONAL COUNCIL"]

FORMATION OF THE BODY

27. The National Council was introduced at the instance of His Majesty the King, with the approval of the Jirga, held at Kabul in the year 1309 [A.H.].

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[1] "Ahl-i-Zimma," i.e., the "Ahl-i-Kitab" ("people of the Book," viz., Jews and Christians) who are under the protection of a Moslem ruler.

28. This body is solely composed of individuals who are interested in the social and political affairs of Afghanistan, i.e., they are representatives of all the inhabitants of the country.

29. The National Council is composed of members elected from the province of Kabul and other provinces and districts, and it assembles at the capital.

30. The number of members of the National Council is stated in the election rules and is fixed.

31. The term for which members of this Council are elected is 3 years.

The first session commences from the opening day of the National Council, and it is laid down that new elections will be held at the expiry of each term of 3 years. If voters wish to re-elect the same member, they are at liberty to do so.

32. Dates of sessions and recesses of the National Council will be laid down in the National Council regulations.

If during a recess the Government deems it necessary to frame regulations for the National Council, these will be approved by the Government as a temporary measure, and brought into force by His Majesty's command. If these temporary regulations are approved by the National Council when it reassembles, they will be added to the regulations, otherwise they may be modified or rejected by the aforesaid National Council.

33. A meeting of the National Council can also be summoned during a recess to consider and settle important questions, and, should it be impossible to call a general meeting on account of the urgency of the matter to be discussed, the members for Kabul and neighbouring districts only will hold a meeting of the National Council.

34. When the National Council meets, at least half of the members must be present, and a decision will be reached on the unanimous vote or on a majority of votes.

35. The National Council will, at the opening of each session, present an address to His Majesty the King, who will make a reply.

36. Members attending the council for the first time will take and sign the following oath:—

37. Form of oath: "We, the undersigned, on account of the confidence imposed in us by the nation and the Government, swear by

God the Great and the sacred Koran that we will remain true to our nation and Government."

38. Members of the National Council have full liberty to express their views before the Council, and no objection can be raised on these grounds.

39. All debates of the National Council, since the results of debates will later become law, will be open to representatives of newspapers and visitors, who, however, in accordance with the restrictions laid down in the National Council regulations, have only the right to attend and listen.

Duties

40. The National Council will manage its internal affairs, such as selection of president and vice-president, clerical staff and other members, framing of rules of debate, etc., as laid down in the National Council regulations.

41. All regulations and procedure, the framing and existence of which are essential to strengthen the foundations of the Government, and for the administration of the affairs of the country, will be passed by the National Council.

42. Adjustment of financial matters, rejection or adoption of taxes and revenues, and fresh proposals emanating from the Government, will be subject to the approval of the National Council.

43. One of the duties of the National Council is to examine and pass the national budget, after it has been prepared and submitted by the Revenue Ministry.

44. New regulations will be brought into force, and existing laws amended or repealed, on being passed by the National Council, whether the necessity for them has been expressed by the Council itself or by Ministers.

45. Grants of concessions or the formation of companies and public firms of every kind will be sanctioned by the National Council.

46. Contracts, agreements and grants of concessions (monopolies), whether relating to trade, industry, agriculture, etc., and whether Afghan or foreign, will be concluded with the approval of the National Council.

47. Every loan raised by the Government, whether in the country or abroad, shall first be approved by the National Council.

48. Extension of public highways and [building of] railways, whether to be paid for by Government or Afghan or foreign firms or companies, depends entirely upon the approval of the National Council.

49. The National Council has the right whenever necessary to submit a petition to the King. The petition, however, will in all circumstances be submitted by a deputation composed of the president and six members selected by all members from among themselves. The deputation will first request the Minister of Court to arrange an audience.

50. Ministers may attend the sittings of the National Council to hear debates. They have also the right, having obtained the permission of the president, to explain and elucidate matters [under discussion]. Seats are reserved in the Council Chamber for Ministers.

51. Whenever the necessity for new laws is felt, the proposal is initiated by a Ministry, and put before the National Council by a Minister or the Prime Minister, and will come into force after it has passed the National Council and received the assent of His Majesty the King.

52. In case of need, the President may, either of his own motion, or on the proposal of 10 members of the Council, or that of a Minister, call a secret meeting, from which newspaper correspondents and visitors will be excluded, and may also appoint a secret committee composed of certain selected members, to which other members will not have the right of entry. But the outcome of the deliberations of the secret committee or meeting, as the case may be, will be regarded as passed, provided the matter is discussed in the presence of three-quarters of the selected members, and supported by a majority of votes. If the measure is not agreed to in the secret meeting, it will not be announced to the Council, and the latter will not discuss it.

53. In the event of a secret meeting being convened on the motion of the president, the latter is authorised to publish its deliberations so far as may be suitable. But if the meeting is called at the

instance of a Minister, the publication will be contingent upon the permission of such Minister.

54. Ministers have the right to withdraw any measure, however much it may have been discussed by the Council; but if a measure is introduced by a Minister at the desire of the Council, withdrawal of such measure is contingent upon the consent of the Council.

55. A bill introduced by a Minister and rejected by the Council will be returned with the latter's observations. The bill will again be read in the Council, when the Minister may accept or refute the observations of the Council.

56. When rejecting or accepting a measure the members of the National Council will give a clear and explicit statement of their views, and no one may seek to influence or threaten them. Members of the Council will indicate their approval or disapproval of a measure by visible means, such as a black or white [voting] paper, and in such a manner as to be obvious to newspaper representatives and visitors.

Introduction of Measures by the Council

57. Every measure introduced by a member of the Council may be debated, provided that at least a quarter of the members approve it. The measure will then be forwarded to the president in writing, and the latter may first refer it to a committee for investigation.

58. A group of members of the National Council, selected by the rest of the members, approved by the president, and called a "committee" will, in the first instance, carefully investigate measures brought before the National Council, and submit to the Council, through the president, such matters as require discussion, with a statement of its own views. The measure will then, with the permission of the president, be discussed by the Council. Proposals which are incomplete or do not require the assent of the Council will be returned by the president to the Ministry concerned with a statement of his reasons for doing so. A committee will consist of at least 10 persons.

59. A Minister who is interested in a bill admitted for discussion in the Council under article 57 should be informed of the time of the debate at which the bill will be discussed in committee, or in the Council, so that he may either attend in person or send an as-

sistant. A copy of the bill and connected papers, except in the case of urgent measures, should be forwarded by the Council to the Ministry concerned for the information of the Minister or his assistant 10 to 15 days in advance.

60. Should a Minister for any reason disapprove of a bill brought before the Council, he must explain his objections and satisfy the Council of their validity.

61. If the National Council asks for information from a Minister, he is obliged to reply, and, in the absence of reasonable grounds, he is not permitted to delay his reply except when the matter is secret and it is to the interest of the nation and the Government that it should not be revealed for a certain period. After the lapse of that period, however, the matter must be announced to the Council.

62. Personal petitions on subjects which have not been considered by official departments up to the Ministry concerned can be made to the National Council by a petitioner's local member. Such petitions are forwarded by the president of the National Council to the Prime Minister for consideration.

63. The National Council, if it is not in session at the time of the King's death, must assemble within 20 days at most.

64. If the term of office of members has expired before the death of the King, and other members have not been elected, the Council will be composed of the former members.

65. Measures passed by the National Council should not contravene the canons of the religion of Islam or the policy of the country.

66. Measures passed by the National Council will generally come into force after they have been signed by His Majesty the King.

The House of Nobles

67. The House of Nobles consists of experienced and far-sighted persons who will be selected and appointed directly by His Majesty the King. It will meet at Kabul.

68. Passing of measures rests with the National Council and the House of Nobles. Proposals placed before the latter House by Ministers are decided, after consideration and debate, by a majority of votes and forwarded to the National Council for approval. As

a counterpart to this, measures approved by the National Council are examined and confirmed by the House of Nobles.

69. If the House of Nobles be not in session at the time of the opening of the National Council, measures passed by the latter do not remain suspended, but come into force after receiving the Royal assent.

70. Measures passed by the House of Nobles and sent to the National Council, if not approved by the latter, are, in view of their importance, referred to another committee composed of an equal number of members of each House.

The minimum number of members is 20. This select committee investigates the matters in question and communicates its opinion to the National Council. In the event of the opinion of the select committee being opposed to that of the National Council, the matter will be referred to His Majesty the King and decided under his exalted direction.

Provincial Advisory Committees

71. In the chief town of each Governor's province, whether Naib-ul-Hukuma, Hukamat-i-Ala or Hukumat-i-Kalan, an advisory committee will be set up.

72. The mode of election, number of members and duties of this committee are set forth in the appropriate regulations.

Duties and Rights of Ministers

73. The administration of the country is carried on by Ministers, who are selected by the Prime Minister with the approval of His Majesty.

74. The Prime Minister is the President of the Cabinet, and in his absence the Minister in charge of the Prime Minister's office will perform the duties of president.

75. Moslems, being Afghan subjects, are alone eligible for appointment as Ministers.

76. Ministers are responsible to the National Council as regards the policy of the Government in general, and the Ministry under their charge in particular. His Majesty the King is therefore free from all responsibility.

77. The responsibility of Ministers and the policy relating to them will be fixed by regulation.

78. Ministers dispose of matters within their powers, and submit those beyond their powers to the Prime Minister, who deals with them up to the limit of his authority, and submits such cases as may be beyond his powers for the orders of His Majesty the King.

79. When a Minister is suspected of an offence connected with his official duties he will take his trial in the Diwan-i-Ali [Supreme Court]. Charges against a Minister in his private capacity will be referred to the courts of justice as in the case of other subjects.

80. A Minister under suspicion will be suspended from public duties until the result of his trial is published and he is acquitted.

81. During the absence of a Minister, the assistant in the Ministry, or a deputy who may be appointed for the purpose, will exercise all the powers of a Minister.

82. With the permission of His Majesty the King a committee of enquiry will be selected from, and appointed by, the National Council, in accordance with the appropriate regulations, to investigate the general conduct of Ministers and Government servants.

83. The number of Ministries, the organisation of departments, and the duties of each have been laid down in the fundamental regulations.

RIGHTS OF CIVIL SERVANTS

84. Civil servants in general are appointed to posts for which they are fit and suitable, in accordance with the articles laid down in the appropriate regulations. Unless he resigns, or the exigencies of Government service require his transfer or dismissal, no civil servant will be dismissed. Civil servants who behave well and are diligent in the discharge of their duties will be entitled to promotion in their grades and ranks, and pension according to the appropriate regulations.

85. All civil servants, in order of seniority, are required to obey their superiors in accordance with the regulations on the subject. Officers and their subordinates should in no circumstances issue an order which contravenes the regulations. In the event of a subordinate being ordered by a superior to act in contravention of the rules in any instance, the subordinate should, before taking such action, report to the central office of his Ministry or the Prime Minister.

86. Duties of civil servants are laid down in the respective Codes. Every civil servant is held responsible for discharging his duties in accordance with the instructions laid down in the regulations on the subject.

Courts

87. General suits under Shariat law will be filed in the courts of justice.

88. Suits filed in the Shariat courts are dealt with in accordance with the principles of the Hanafi religion.

89. All courts are free from any kind of interference.

90. Cases are tried openly in the courts of justice, with the exception of those which the judge directs shall be heard *in camera*.

91. Every person may plead in court any provision of Shariat law to protect his rights.

92. Courts of justice may not delay the hearing and decision of cases, except as provided by Shariat law.

93. No one may set up a special tribunal to settle particular cases out of court.

94. The classification of courts and their powers have been laid down in the fundamental regulations.

Diwan-i-Ali [Supreme Court]

95. A Supreme Court is summoned temporarily, as required, to try Government Ministers, and is dissolved after dealing with the cases referred to it.

96. The method of summoning a Supreme Court and the procedure therein are laid down in a special Code.

Financial Matters

97. All Government taxes are realised in accordance with a special Code.

98. Every year a budget, showing the income and expenditure of the Government, is prepared according to article 43.

The budget is the basis on which revenue is collected and expenditure made.

Money for Government expenditure will be recovered and spent in accordance therewith.

99. After the annual budget has been checked, a final statement

of accounts, comprising actual figures of income and expenditure for the year, is prepared.

100. There is a special Code governing the form of the final statement of accounts, the preparation of the budget and the method of checking.

101. Reduction or remission of revenues are dealt with in accordance with a special Code.

Administration of Provinces

102. The principle of the administration of provinces is based on three fundamental rules, i.e., delegation of authority, allotment of duties and fixation of responsibility. On the basis of the above-mentioned rules, the duties of provincial civil servants are classified and fixed, and their authority limited according to the appropriate principles. Every civil servant is held responsible to his superior in all official matters.

103. Civil servants are posted to provinces from each Ministry separately. The public approach the appropriate branches for the disposal of business and the satisfaction of their requirements.

104. If signs of unrest and rebellion, tending to the disturbance of the public peace, be discovered in any part of the country, the Government has the power to adopt the measures necessary to put down the insurrection and restore peace.

105. The formation of municipalities and their duties are governed by a special Code.

Army

106. Recruitment of the army and its duties and rights are governed by a special Code.

107. No member of the army may be deprived of his pay or rank otherwise than as laid down in the regulations.

108. Foreign subjects, with the exception of doctors and military instructors, are not accepted in military employment.

Miscellaneous Principles

109. Immunity of correspondence is one of the rights of the people. Letters and other communications from the public on which postage has been paid will not be opened by any post office or at any other place, except under an order of search from a court, but will be delivered closed to the addressee.

110. Whenever a verbal order is given to a Minister or other civil servant by His Majesty or the Prime Minister, he should obtain such orders in writing and signed by the King or the Prime Minister.

I direct that these orders and regulations be brought into force.

Dated the 8th Aqrab, 1310 (the 31st October, 1931).

(Seal of the King)

ADDENDUM[1]

1. Officials of the Foreign Ministry, military officers and such Afghan students as are sent abroad to be educated at Government expense are not allowed to marry foreign subjects.

2. Foreign subjects have absolutely no right to own land in Afghanistan. Foreign Legations[2] in Afghanistan will, in accordance with agreements concluded with their respective countries, be accorded reciprocal treatment.

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[1] Original text published in *Islah*, February 22, 1933.

[2] According to Mr. Said Tadjeddin, First Secretary of the Royal Legation of Afghanistan in Washington, the original text here contains the words "and Consulates."—Ed.

Egypt

PAGES

1. Rescrit Royal No. 42 du 19 avril 1923 Etablissant le Regime Constitutionnel de l'Etat Egyptien 19-38

   Gouvernement Egyptien. *Rescrit Royal no. 42 de 1923.*
   Le Caire. Imprimerie Nationale, Boulac, 1935.

2. Loi Electorale du 19 decembre 1935 38-52

   Gouvernement Egyptien. *Décret-Loi no. 148 de 1935.*
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3. Agreement Between Her Britannic Majesty's Government and the Government of the Khedive of Egypt, Relative to the Future Administration of the Soudan—January 19, 1899; as amended by the Agreement Relative to the Inclusion of Suakin in the Agreement of January 19, 1899—July 10, 1899 .. 52-55

   British and Foreign State Papers, vol. 91 (1898-1899), H.M. Stationery Office, London, pp. 19-22.

4. Declaration to Egypt by His Britannic Majesty's Government—February 21, 1922 55-56

   Correspondence respecting Affairs in Egypt. Egypt No. 1 (1922), Cmd. 1592. H.M. Stationery Office, London, 1922, pp. 27-30.

5. Treaty of Alliance Between His Majesty, in Respect of the United Kingdom and His Majesty the King of Egypt—August 26, 1936 56-66

   Treaty of Alliance. Egypt No. 1 (1936), Cmd. 5270. H.M. Stationery Office, London, 1936.

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RESCRIT ROYAL NO. 42 DE 1923 ETABLISSANT LE REGIME CONSTITUTIONNEL DE L'ETAT EGYPTIEN

Titre I—Nature et Forme de l'Etat

Art. 1. L'Egypte est un Etat souverain, libre et indépendant. Ses droits de souveraineté sont indivisibles et inaliénables. Son Gouvernement est celui d'une monarchie héréditaire; il a la forme représentative.

Titre II—Droits et Devoirs des Egyptiens

Art. 2. La nationalité égyptienne est déterminée par la loi.

Art. 3. Tous les Egyptiens sont égaux devant la loi. Ils jouissent également des droits civils et politiques et sont également soumis aux charges et devoirs publics, sans aucune distinction de race, de langue ou de religion. Seuls, ils sont admissibles aux fonctions publiques, civiles et militaires; les étrangers n'y sont admis que dans des cas exceptionnels déterminés par la loi.

Art. 4. La liberté individuelle est garantie.

Art. 5. Nul ne peut être arrêté ou détenu que conformément aux prescriptions de la loi.

Art. 6. Aucune infraction ni aucune peine ne peut être établie qu'en vertu de la loi. Les peines ne peuvent être appliquées qu'aux infractions commises postérieurement à la promulgation de la loi qui les prévoit.

Art. 7. Les Egyptiens ne peuvent être expulsés du territoire égyptien.

On ne peut leur interdire le séjour dans une localité quelconque, ni les obliger à se fixer dans un endroit déterminé, que dans les cas prévus par la loi.

Art. 8. Le domicile est inviolable. Aucune visite domiciliaire ne peut avoir lieu que dans les cas prévus par la loi et suivant les formes par elle prescrites.

Art. 9. La propriété est inviolable. Nul ne peut être privé de sa propriété que pour cause d'utilité publique, dans les cas et de la manière établis par la loi, et moyennant une juste indemnité.

Art. 10. La peine de la confiscation générale des biens est interdite.

Art. 11. Le secret des lettres, des dépêches et des communications téléphoniques est inviolable, sauf dans les cas prévus par la loi.

Art. 12. La liberté de conscience est absolue.

Art. 13. L'Etat protège, conformément aux usages établis en Egypte, le libre exercice de toute religion ou croyance, à la condition qu'il ne soit pas porté atteinte à l'ordre public ou aux bonnes moeurs.

Art. 14. La liberté d'opinion est garantie. Dans les limites de la loi, toute personne a le droit d'exprimer librement sa pensée par la parole, par écrit, par images ou autrement.

Art. 15. La presse est libre dans les limites tracées par la loi. La censure préventive est interdite. Les avertissements, la suspension ou la suppression des journaux par voie administrative sont également interdits, sauf le cas où il serait nécessaire d'y recourir pour la protection de l'ordre social.

Art. 16. Nulle restriction ne peut être imposée au libre usage de toute langue dans les relations privées, dans le commerce, en matière de religion, dans la presse ou les publications de tout genre, ainsi que dans les réunions publiques.

Art. 17. L'enseignement est libre en tant qu'il n'est pas contraire à l'ordre public ou aux bonnes moeurs.

Art. 18. L'instruction publique est réglementée par la loi.

Art. 19. L'instruction élémentaire est obligatoire pour les jeunes Egyptiens des deux sexes. Elle est gratuite dans les Maktabs publics.

Art. 20. Les Egyptiens ont le droit de se réunir paisiblement et sans armes. La police ne peut assister à leur réunion et il n'est point nécessaire de l'en aviser.

Cette disposition n'est pas applicable aux réunions publiques, lesquelles sont soumises aux prescriptions de la loi, et ne peut empêcher ou restreindre toute mesure à prendre pour la protection de l'ordre social.

Art. 21. Les Egyptiens ont le droit de s'associer. La loi règle l'exercice de ce droit.

Art. 22. Les Egyptiens ont le droit de s'adresser aux autorités publiques, par des pétitions portant leurs signatures. Les autorités constituées et les personnes morales ont seules le droit d'adresser des pétitions en nom collectif.

TITRE III—DES POUVOIRS

CHAPITRE I—DISPOSITIONS GÉNÉRALES

Art. 23. Tous les pouvoirs émanent de la nation. Ils sont exercés de la manière établie par la présente Constitution.

Art. 24. Le pouvoir législatif est exercé par le Roi, concurremment avec le Sénat et la Chambre des députés.

Art. 25. Aucune loi ne sera promulguée si elle n'a été votée par le Parlement et sanctionnée par le Roi.

Art. 26. Les lois sont exécutoires dans toute l'Egypte en vertu de la promulgation qui en est faite par le Roi, et qui résulte de leur publication au "Journal Officiel."

Elles seront exécutées dans chaque partie de l'Egypte du moment où la promulgation pourra en être connue.

La promulgation sera réputée connue dans toute l'Egypte trente jours après la publication.

Ce délai pourra être abrégé ou prorogé par une disposition formelle des lois.

Art. 27. La loi ne dispose que pour l'avenir; elle n'a point d'effet rétroactif, sauf dans les cas prévus par une disposition spéciale.

Art. 28. L'initiative des lois appartient au Roi, au Sénat et à la Chambre des députés. Néanmoins, la création d'un nouvel impôt ou l'augmentation d'un impôt existant, ne peut avoir lieu que sur l'initiative du Roi et de la Chambre des députés.

Art. 29. Le pouvoir exécutif appartient au Roi, dans les conditions établies par la présente Constitution.

Art. 30. Le pouvoir judiciaire est exercé par les tribunaux des différents juridictions et degrés.

Art. 31. Les arrêts et jugements des différents tribunaux sont rendus et exécutés conformément à la loi et au nom du Roi.

CHAPITRE II—DU ROI ET DE SES MINISTRES

Section I. Du Roi

Art. 32. Le Trône du Royaume d'Egypte est héréditaire dans la Dynastie de Mohamed-Ali.

La succession au Trône aura lieu conformément à l'ordre établi par le Rescrit du 15 Chaaban 1340 (13 avril 1922).

Art. 33. Le Roi est le Chef Suprême de l'Etat. Sa personne est inviolable.

Art. 34. Le Roi sanctionne et promulgue les lois.

Art. 35. Si le Roi ne juge pas opportun de sanctionner un projet de loi voté par le Parlement, il le lui renvoie dans le délai de deux mois[1] pour un nouvel examen.

Le défaut de renvoi dans le dit délai vaut sanction et la loi sera promulguée.

Art. 36. Si le projet de loi est renvoyé dans le susdit délai et qu'il est voté une seconde fois à une majorité des deux tiers des membres composant chacune des deux Chambres, il aura force de loi et sera promulgué.

A défaut de cette majorité, la discussion ne peut plus être reprise au cours de la même session.

Si, dans une session ultérieure, le Parlement vote le même projet de loi, même à la majorité absolue des voix, ce projet aura force de loi et sera promulgué.

Art. 37. Le Roi fait les règlements nécessaires pour l'exécution des lois sans modifier ou suspendre les lois elles-mêmes, ni dispenser de leur exécution.

Art. 38. Le Roi a le droit de dissoudre la Chambre des députés.

Art. 39. Le Roi peut ajourner la session du Parlement. Toutefois, l'ajournement ne peut excéder le délai d'un mois ni être renouvelé dans la même session sans l'assentiment des deux Chambres.

Art. 40. Le Roi peut en cas de nécessité convoquer le Parlement à des sessions extraordinaires. Cette convocation aura également lieu quand elle est demandée par pétition signée par la majorité absolue des membres composant l'une ou l'autre des deux Chambres. Le Roi prononce la clôture de la session extraordinaire.

Art. 41. Si, dans l'intervalle des sessions du Parlement, il est nécessaire de prendre d'urgence des mesures qui ne peuvent souffrir de retard, le Roi rend des décrets ayant force de loi, pourvu qu'ils ne soient pas contraires à la Constitution. Le Parlement devra être immédiatement convoqué en session extraordinaire et ces décrets doivent lui être soumis à sa première réunion. Si ces décrets ne sont pas soumis au Parlement ou s'ils sont rejetés par l'une ou l'autre des deux Chambres, ils cesseront d'avoir force de loi.

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[1] In several editions of this Constitution the words "d'un mois" occur here, but an authoritative statement mailed in Cairo on April 18, 1946, gives assurance that the Constitution as now in force reads as in the present text, "de deux mois."—Ed.

Art. 42. Le Roi ouvre la session ordinaire du Parlement par un discours du Trône adressé aux deux Chambres réunies et exposant la situation du pays. Chacune des deux Chambres présentera une adresse en réponse à ce discours.

Art. 43. Le Roi crée et confère les grades civils et militaires, les décorations et toutes autres distinctions. Il a le droit de battre monnaie, en exécution de la loi. Il a le droit de grâce et de commutation de peine.

Art. 44. Le Roi organise les services publics; il nomme et licencie les fonctionnaires dans les conditions déterminées par la loi.

Art. 45. Le Roi déclare l'état de siège. La déclaration de l'état de siège doit être immédiatement soumise au Parlement qui décidera s'il y a lieu de la confirmer ou de la supprimer. Dans le cas où la déclaration de l'état de siège aura été faite en dehors de la session du Parlement, celui-ci devra être convoqué d'urgence.

Art. 46. Le Roi est le Commandant Suprême des Forces de terre et de mer. Il nomme et licencie les officiers. Il déclare la guerre, fait la paix et conclut les traités dont il donne connaissance au Parlement aussitôt que l'intérêt et la sûreté de l'Etat le permettent, en y joignant les communications convenables.

Toutefois, une guerre offensive ne peut être déclarée sans l'assentiment du Parlement. Les traités de paix, d'alliance, de commerce, de navigation, ainsi que tous ceux qui entraînent soit une modification du territoire de l'Etat, soit une diminution de ses droits de souveraineté, soit une dépense à la charge du Trésor Public, ou qui porteraient atteinte aux droits publics ou privés des citoyens égyptiens, n'auront d'effet qu'après avoir reçu l'assentiment du Parlement.

Dans aucun cas, les articles secrets d'un traité ne peuvent être destructifs des articles patents.

Art. 47. Le Roi ne peut être en même temps chef d'un autre Etat sans l'assentiment du Parlement.

Aucune des deux Chambres ne peut délibérer sur la question si les deux tiers, au moins, des membres qui la composent ne sont présents, et la résolution ne peut être adoptée qu'autant qu'elle réunit les deux tiers des suffrages.

Art. 48. Le Roi exerce ses pouvoirs par l'intermédiaire de ses Ministres.

Art. 49. Le Roi nomme et révoque ses Ministres. Il nomme et révoque les représentants diplomatiques sur la proposition du Ministre des Affaires Etrangères.

Art. 50. Avant d'assumer ses pouvoirs constitutionnels, le Roi prête, au sein des Chambres réunies, le serment suivant: "Je jure, par le Dieu Tout-Puissant, d'observer la Constitution et les lois du Peuple Egyptien, de maintenir l'indépendance nationale et l'intégrité du territoire."

Art. 51. Les Régents n'entrent en fonctions qu'après avoir prêté, devant les deux Chambres réunies, le serment prescrit par l'article précédent, en y ajoutant: "et d'être fidèles au Roi."

Art. 52. A la mort du Roi, les Chambres se réunissent sans convocation dans les dix jours qui suivent la déclaration du décès. Si la Chambre des députés a été dissoute et que la convocation ait été faite dans l'acte de dissolution pour une date postérieure au dixième jour, l'ancienne Chambre reprend ses fonctions jusqu'à la réunion de celle qui doit la remplacer.

Art. 53. A défaut d'un ayant droit au Trône, le Roi pourra nommer son successeur avec l'assentiment des Chambres réunies en Congrès. Pour la validité des délibérations, la présence des trois quarts des membres composant chaque Chambre et la majorité des deux tiers des suffrages sont nécessaires.

Art. 54 En cas de vacance du Trône, par défaut d'un ayant droit ou d'un successeur nommé conformément à l'article précédent, les deux Chambres se réunissent de plein droit immédiatement en Congrès pour l'élection d'un Roi. Cette élection doit avoir lieu dans les huit jours de leur réunion.

Pour la validité de cette élection, la présence des trois quarts des membres qui composent chacune des deux Chambres et la majorité des deux tiers des suffrages sont nécessaires.

Dans le cas où l'élection n'aurait pu être faite dans le délai prescrit ci-dessus, les Chambres réunies procéderont à l'élection le neuvième jour, quel que soit le nombre des membres présents et à la majorité relative des suffrages.

Si la Chambre des députés se trouvait dissoute au moment de la vacance du Trône, elle reprendrait ses fonctions jusqu'à la réunion de celle qui doit la remplacer.

Art. 55. A dater de la mort du Roi jusqu'à la prestation du serment de Son successeur au Trône ou des Régents, les pouvoirs constitutionnels du Roi sont exercés, au nom du peuple égyptien, par le Conseil des Ministres et sous sa responsabilité.

Art. 56. A chaque avènement au Trône, une loi fixe, pour la durée du règne, la Liste Civile du Roi ainsi que celle de la Famille Royale. La loi fixe également les allocations des Régents, qui seront prélevées sur la Liste Civile du Roi.

Section II. Des Ministres

Art. 57. A la tête des services de l'Etat se trouve le Conseil des Ministres.

Art. 58. Nul ne peut être Ministre s'il n'est Egyptien.

Art. 59. Aucun membre de la Dynastie régnante ne peut être Ministre.

Art. 60. Les actes du Roi se rapportant aux affaires de l'Etat n'ont d'effet que s'ils sont contresignés par le Président du Conseil des Ministres et les Ministres compétents.

Art. 61. Les Ministres sont solidairement responsables devant la Chambre des députés de la politique générale du Gouvernement et, individuellement, des actes de leurs Départements.

Art. 62. En aucun cas, l'ordre verbal ou écrit du Roi ne peut soustraire un Ministre à la responsabilité.

Art. 63. Les Ministres ont libre accès dans les Chambres et doivent être entendus chaque fois qu'ils le demandent. Mais ils ne peuvent prendre part aux votes dans l'une ou l'autre Chambre que s'ils en sont membres. Ils pourront s'y faire assister ou représenter par de hauts fonctionnaires de leurs Départements. Chacune des Chambres a le droit d'exiger la présence des Ministres à ses séances.

Art. 64. Aucun Ministre ne peut se rendre acquéreur ou locataire d'un bien appartenant à l'Etat, même par voie d'enchères publiques. Il ne peut, non plus, durant l'exercice de ses fonctions, être membre d'un Conseil d'administration d'une société quelconque, ni prendre une part active dans une entreprise commerciale ou financière.

Art. 65. Lorsque la Chambre des députés déclare n'avoir pas confiance dans le Cabinet, le Ministère doit démissionner. Si le vote ne vise qu'un Ministre, celui-ci doit se démettre.

Art. 66. La Chambre des députés a seule le droit de mettre les Ministres en accusation pour toutes infractions par eux commises dans l'exercice de leurs fonctions. La mise en accusation ne peut être prononcée qu'à la majorité des deux tiers des voix.

La Cour spéciale de Justice a seule le droit de juger les Ministres pour les dites infractions. La Chambre nommera parmi ses membres ceux qui seront chargés de soutenir l'accusation devant la dite Cour.

Art. 67. La Cour spéciale de Justice est formée, sous la présidence du président de la plus haute Cour indigène, de 16 membres dont 8 sénateurs désignés par tirage au sort et 8 magistrats égyptiens de cette Cour pris par ordre d'ancienneté. En cas d'insuffisance du nombre des magistrats, ce nombre sera complété par les présidents des cours ou tribunaux de l'ordre immédiatement inférieur et, à leur défaut, par des magistrats de ces cours ou tribunaux, toujours par ordre d'ancienneté.

Art. 68. La Cour spéciale de Justice appliquera le Code Pénal pour les infractions qui y sont prévues. Une loi spéciale établira les cas de responsabilité non prévus par le dit Code.

Art. 69. Les arrêts de condamnation de la Cour spéciale de Justice sont rendus à la majorité de douze voix.

Art. 70. En attendant la promulgation d'une loi spéciale, la Cour spéciale de Justice réglera elle-même la procédure à suivre pour le jugement des Ministres.

Art. 71. Le Ministre mis en accusation par la Chambre des députés est suspendu de ses fonctions jusqu'à ce que la Cour spéciale de Justice ait statué sur son cas. La démission du Ministre n'empêche pas l'institution ou la continuation des poursuites.

Art. 72. Le Ministre condamné par la Cour spéciale de Justice ne peut être grâcié qu'avec l'assentiment de la Chambre des députés.

CHAPITRE III—DU PARLEMENT

Art. 73. Le Parlement se compose de deux Chambres: le Sénat et la Chambre des députés.

Section I. Du Sénat

Art. 74. Le Sénat est composé, pour les deux cinquièmes de ses membres, de sénateurs nommés par le Roi et, pour les trois cinquièmes, de sénateurs élus sur la base du suffrage universel, conformément aux dispositions de la Loi électorale.

Art. 75. Chaque Moudirieh ou Gouvernorat comptant 180,000 habitants ou plus élit un sénateur par 180,000 habitants ou fraction de 180,000 non inférieure à 90,000. La Moudirieh ou le Gouvernorat comptant moins de 180,000 habitants, mais non moins de 90,000, élit un sénateur. Le Gouvernorat comptant moins de 90,000 habitants élit un sénateur, à moins que la Loi électorale ne le rattache à un autre Gouvernorat ou à une Moudirieh.

Art. 76. La Moudirieh ou le Gouvernorat, ou la partie de Moudirieh ou de Gouvernorat, qui élit un sénateur constitue une circonscription électorale.

Une loi déterminera les circonscriptions électorales en assurant autant que possible l'égalité des circonscriptions dans les Moudiriehs et Gouvernorats ayant droit à plus d'un sénateur. Toutefois, la loi pourra considérer le Chef-lieu d'une Moudirieh, comptant moins de 180,000 habitants, mais non moins de 90,000, comme formant une circonscription électorale distincte; dans ce cas, les autres parties de la Moudirieh seront considérées comme une Moudirieh distincte, tant en ce qui concerne la détermination du nombre des sénateurs à élire qu'en ce qui concerne la détermination des circonscriptions électorales.

Art. 77. Pour être sénateur, il faut, outre les conditions prévues à la Loi électorale, être âgé de 40 ans accomplis, calculés d'après le calendrier grégorien.

Art. 78. Pour être élu ou nommé sénateur, il faut appartenir à l'une des catégories suivantes:

(1) Ministres; Représentants Diplomatiques; Présidents de la Chambre des députés; Sous-Secrétaires d'Etat; Présidents et Conseillers de la Cour d'Appel ou d'une Juridiction de même rang ou d'un rang supérieur; Procureurs Généraux; Bâtonniers de l'Ordre des Avocats; Fonctionnaires de l'Etat du rang de Directeur-Général ou au-dessus,—tant actuels qu'anciens.

(2) Hauts représentants du Corps des Ulémas et du Clergé; Officiers généraux retraités du grade de Lewa et d'un grade plus élevé; Députés ayant fait partie de la Chambre pendant deux législatures; Propriétaires payant des impôts d'un montant annuel de £.E. 150 au moins; Personnes ayant un revenu annuel de £.E.

1,500 au moins et faisant partie d'entreprises financières, commerciales ou industrielles, ou appartenant à une carrière libérale; le tout, sous réserve des incompatibilités de fonctions prévues par la Constitution ou par la Loi électorale.

Pour la Moudirieh d'Assouan, le chiffre de l'impôt ainsi que celui du revenu annuel seront fixés par la Loi électorale.

Art. 79. La durée du mandat de Sénateur est de dix ans.

Les Sénateurs élus ou nommés sont renouvelés par moitié tous les cinq ans. Les Sénateurs sortants peuvent être élus ou nommés à nouveau.

Art. 80. Le Président est nommé par le Roi.

Le Sénat élit, parmi ses membres, deux Vice-Présidents.

Les Président et Vice-Présidents du Sénat sont désignés pour deux ans. Ils sont rééligibles.

Art. 81. En cas de dissolution de la Chambre des députés, la session du Sénat sera suspendue.

Section II. De la Chambre des Députés

Art. 82. La Chambre des députés est composée de membres élus sur la base du suffrage universel, conformément aux dispositions de la Loi électorale.

Art. 83. Chaque Moudirieh ou Gouvernorat comptant 60,000 habitants ou plus élit un député par 60,000 habitants ou fraction de 60,000 non inférieure à 30,000. La Moudirieh ou le Gouvernorat comptant moins de 60,000 habitants, mais non moins de 30,000, élit un député. Le Gouvernorat comptant moins de 30,000 habitants élit un député, à moins que la Loi électorale ne le rattache à un autre Gouvernorat ou à une Moudirieh.

Art. 84. La Moudirieh ou le Gouvernorat, ou la partie de Moudirieh ou de Gouvernorat, qui élit un député, constitue une circonscription électorale.

Une loi déterminera les circonscriptions électorales en assurant autant que possible l'égalité des circonscriptions dans les Moudiriehs et Gouvernorats ayant droit à plus d'un député. Toutefois, la loi pourra considérer le chef-lieu d'une Moudirieh comptant moins de 60,000 habitants, mais non moins de 30,000, comme formant une circonscription électorale distincte; dans ce cas, les autres parties de la Moudirieh seront considérées comme une Moudirieh distincte, tant en ce qui concerne la détermination du nombre des députés à élire qu'en ce qui concerne la détermination des circonscriptions électorales.

Art. 85. Pour être député, il faut, outre les conditions prévues à la Loi électorale, être âgé d'au moins 30 ans calculés d'après le calendrier grégorien.

Art. 86. La durée du mandat de député est de cinq ans.

Art. 87. Au commencement de chaque session ordinaire, la Chambre élit parmi ses membres un Président et deux Vice-Présidents. Les Président et Vice-Présidents de la Chambre sont rééligibles.

Art. 88. Si la Chambre des députés est dissoute à l'occasion d'une question déterminée, la nouvelle Chambre ne peut plus être dissoute pour la même question.

Art. 89. L'acte de dissolution de la Chambre des députés doit contenir convocation des électeurs-délégués pour des élections nouvelles devant avoir lieu dans un délai ne dépassant pas deux mois, ainsi que convocation de la nouvelle Chambre dans les dix jours qui suivent les élections.

Section III. Dispositions Communes aux deux Chambres

Art. 90. Le Parlement a son siège au Caire. Toutefois, en cas de nécessité, le siège peut être fixé ailleurs par une loi. Toute réunion en dehors des locaux affectés au Parlement est illicite et nulle de plein droit.

Art. 91. Le membre du Parlement représente toute la nation. Aucun mandat impératif ne peut lui être donné par les électeurs ou par le pouvoir qui le nomme.

Art. 92. Nul ne peut être sénateur et député en même temps. Les autres cas d'incompatibilité seront déterminés par la Loi électorale.

Art. 93. Les Princes et les Nabils de la Dynastie Royale peuvent être nommés sénateurs; mais ils ne sont pas éligibles à l'une ou à l'autre Chambre.

Art. 94. Avant d'être admis à l'exercice de leurs fonctions, les sénateurs et les députés prêtent, dans leur salle de délibération et en séance publique, serment d'être fidèles à la Patrie et au Roi, d'obéir à la Constitution et aux lois du pays et de remplir consciencieusement leurs fonctions.

Art. 95. Chacune des deux Chambres est seule compétente pour juger de la validité du mandat de ses propres membres. Aucun mandat ne peut être invalidé qu'à la majorité des deux tiers des voix.

Une loi peut conférer l'exercice du pouvoir de validation à une autre autorité.

Art. 96. Le Parlement est convoqué chaque année par le Roi en session ordinaire avant le troisième samedi de novembre.

A défaut de convocation, il se réunit de plein droit à cette dernière date.

La session ordinaire dure pendant six mois au moins.

Le Roi prononce la clôture de la session.

Art. 97. Les sessions sont communes aux deux Chambres. Toute réunion des deux Chambres ou de l'une d'elles en dehors du temps légal de session est illicite et les délibérations prises sont nulles de plein droit.

Art. 98. Les séances des Chambres sont publiques. Toutefois, chaque Chambre se forme en Comité secret sur la demande du Gouvernement ou de dix membres. Elle décide ensuite si la discussion doit ou non être reprise en séance publique sur le même objet.

Art. 99. Aucune des deux Chambres ne peut prendre de résolutions qu'autant que la majorité de ses membres se trouve réunie.

Art. 100. Hors les cas où une majorité spéciale est requise, les résolutions sont prises à la majorité absolue des voix. En cas de partage des voix, la proposition mise en délibération est rejetée.

Art. 101. Les votes sont émis à haute voix ou par assis et levé. Sur l'ensemble des lois et, à la Chambre des députés, sur la question de confiance, il est toujours voté par appel nominal et à haute voix. Les Ministres ont toujours le droit, dans la Chambre des députés, de demander l'ajournement à huit jours de la discussion de tout vote de non confiance proposé contre eux.

Art. 102. Tout projet de loi devra, avant sa mise en délibération, être renvoyé à une commission de la Chambre, pour examen et rapport.

Art. 103. Tout projet de loi présenté par un ou plusieurs membres devra être renvoyé à une commission chargée de l'examiner et de conclure s'il y a lieu pour la Chambre de le prendre en considération. En cas de prise en considération par la Chambre, on procédera comme il est indiqué à l'article précédent.

Art. 104. Un projet de loi ne peut être adopté par l'une ou l'autre Chambre qu'aprés avoir été voté article par article. Les Chambres ont le droit d'amender et de diviser les articles et les amendements proposés.

Art. 105. Tout projet de loi voté par l'une des deux Chambres sera transmis par son Président au Président de l'autre Chambre.

Art. 106. Tout projet de loi, d'initiative parlementaire, qui aura été rejeté par le Parlement, ne pourra être représenté dans la même session.

Art. 107. Tout membre du Parlement a le droit d'adresser aux Ministres des questions ou des interpellations dans les conditions qui seront déterminées par le Règlement intérieur de chaque Chambre. En tout cas, la discussion des interpellations ne pourra avoir lieu que huit jours au moins après leur présentation, sauf en cas d'urgence et de consentement du Ministre interpellé.

Art. 108. Chaque Chambre a le droit d'enquête pour s'éclairer sur des questions déterminées rentrant dans sa compétence.

Art. 109. Les membres du Parlement ne peuvent être inquiétés à raison des opinions et votes par eux émis dans les Chambres.

Art. 110. Aucun membre de l'une ou de l'autre Chambre ne pourra, pendant la durée de la session, être poursuivi ni arrêté, en matière de répression, qu'avec l'autorisation de la Chambre dont il fait partie, sauf le cas de flagrant délit.

Art. 111. Les membres du Parlement autres que ceux qui exercent des fonctions publiques compatibles avec le mandat parlementaire, ne peuvent, pendant la durée de leur mandat, accepter aucun grade ou décoration, si ce n'est un grade ou une décoration militaire.

Art. 112. Aucun membre du Parlement ne peut être relevé de son mandat qu'en vertu d'une décision prise par la Chambre à laquelle il appartient. En dehors des cas d'incompatibilité et de déchéance prévus par la présente Constitution ou par la Loi électorale, la décision ne pourra être prise qu'à la majorité des trois quarts des membres composant la Chambre.

Art. 113. En cas de vacance d'un siège de l'une ou de l'autre Chambre, par décès, démission ou autrement, il sera, dans un délai de deux mois, pourvu à la vacance, par voie d'élection ou de nomination, suivant le cas. Ce délai courra de la date de l'avis qui sera donné de la dite vacance par la Chambre au Gouvernement. Le mandat du nouveau membre ne durera que jusqu'à l'expiration du mandat de celui qu'il remplace.

Art. 114. Les élections générales pour le renouvellement de la Chambre des députés ont lieu dans les soixante jours qui précèdent l'expiration de son mandat.

Au cas où les élections n'ont pu avoir lieu dans le dit délai, le mandat de l'ancienne Chambre est prorogé jusqu'aux dites élections.

Art. 115. Le renouvellement du Sénat par moitié, soit par voie d'élection, soit par voie de nomination, doit avoir lieu dans les soixante jours qui précèdent l'expiration du mandat des sénateurs sortants.

Au cas où le renouvellement n'a pu avoir lieu dans le dit délai, le mandat des sénateurs sortants est prorogé jusqu'à l'élection ou à la nomination des nouveaux sénateurs.

Art. 116. Il est interdit d'adresser en personne des pétitions aux Chambres. Chaque Chambre a le droit de renvoyer aux Ministres les pétitions qui lui sont adressées. Les Ministres sont tenus de lui donner des explications au sujet de ces pétitions chaque fois que la Chambre l'exige.

Art. 117. Chacune des deux Chambres a seule le droit de maintenir l'ordre dans son sein par l'intermédiaire de son Président.

Aucune force armée ne peut pénétrer dans l'une ou l'autre Chambre ou être postée près de ses portes sans la demande du Président.

Art. 118. Les membres du Parlement reçoivent une indemnité annuelle qui sera déterminée par une loi.

Art. 119. Chaque Chambre fait son Règlement intérieur; elle y détermine le mode suivant lequel elle exerce ses attributions.

Section IV. Dispositions spéciales au Parlement siégeant en Congrès

Art. 120. En dehors des cas de réunion de plein droit, les Chambres se réunissent en Congrès sur la convocation du Roi.

Art. 121. Chaque fois que les deux Chambres se réunissent en Congrès, la présidence appartient au Président du Sénat.

Art. 122. Le Congrès ne peut valablement prendre des résolutions que lorsque la majorité absolue des membres de chacune des deux Chambres composant le Congrès se trouve réunie. Dans le vote de ses résolutions, le Congrès se conformera aux dispositions des articles 100 et 101.

Art. 123. La réunion des deux Chambres en Congrès, pendant les sessions ordinaires ou extraordinaires du Parlement, ne fait pas obstacle à la continuation, par chacune des deux Chambres, de ses fonctions constitutionnelles.

CHAPITRE IV—DU POUVOIR JUDICIAIRE

Art. 124. Les juges sont indépendants; ils ne relèvent, dans l'administration de la justice, d'aucune autre autorité que celle de la loi. Aucun pouvoir de l'Etat ne peut s'immiscer dans les procès.

Art. 125. La loi organise les différentes juridictions et détermine leurs attributions.

Art. 126. Les juges sont nommés de la manière et d'après les conditions déterminées par la loi.

Art. 127. La loi fixe les limites et les conditions de l'inamovibilité des juges.

Art. 128. La nomination et la révocation des officiers du Ministère Public près les Cours et Tribunaux se font dans les conditions déterminées par la loi.

Art. 129. Les audiences des Tribunaux sont publiques, à moins que le huis clos ne soit ordonné dans l'intérêt de l'ordre public ou des bonnes moeurs.

Art. 130. Tout prévenu d'un crime doit être pourvu d'un défenseur.

Art. 131. Une loi spéciale règle l'organisation et la compétence des Tribunaux Militaires, ainsi que les conditions requises pour ceux qui y rendent la justice.

CHAPITRE V—CONSEILS PROVINCIAUX ET CONSEILS MUNICIPAUX

Art. 132. Les provinces, villes et villages constituent des personnes morales de droit public dans les conditions que la loi détermine pour l'exercice de leurs droits.

Ils sont représentés par les Conseils Provinciaux et par les différents Conseils Municipaux.

Leur circonscription est fixée par la loi.

Art. 133. L'organisation et les attributions des Conseils Provinciaux et des différents Conseils Municipaux, ainsi que leurs rapports avec les différents pouvoirs de l'Etat, sont déterminés par les lois. Ces lois doivent consacrer les principes suivants:

1. Le choix des membres de ces Conseils par élection, sauf les exceptions que la loi peut établir pour le recrutement de certains membres par voie de nomination;

2. L'attribution à ces Conseils de tout ce qui est d'intérêt provincial ou municipal, sans préjudice de l'approbation de leurs actes dans les cas et suivant le mode que les lois déterminent;

3. La publicité des budgets et des comptes;

4. La publicité des séances dans les limites établies par la loi;

5. L'intervention du Pouvoir Législatif ou du Pouvoir Exécutif pour empêcher que ces Conseils ne sortent de leurs attributions et ne lèsent l'intérêt général et pour annuler tout acte de cette nature pris par ces Conseils.

TITRE IV—DES FINANCES

Art. 134. Aucun impôt ne peut être établi, modifié ou supprimé qu'en vertu d'une loi.

Aucune autre contribution, taxe ou droit ne peut être exigé des habitants que dans les limites de la loi.

Art. 135. Nul ne peut être exempté de payer les impôts en dehors des cas prévus par la loi.

Art. 136. Aucune pension ou indemnité, aucun secours ou gratification ne peuvent être servis par le Trésor public que dans les limites de la loi.

Art. 137. Aucun emprunt public, ni aucun engagement pouvant grever le Trésor pour un ou plusieurs exercices futurs, ne pourra être contracté sans le consentement du Parlement.

Aucune concession ayant pour objet l'exploitation d'une richesse naturelle du pays ou un service d'utilité publique, ni aucun monopole ne peuvent être accordés qu'en vertu de la loi et pour un temps limité.

L'approbation préalable du Parlement est nécessaire pour toute création ou suppression de lignes de chemins de fer, de routes publiques, de canaux, drains ou autres ouvrages d'irrigation intéressant plus d'une province, ainsi que pour toute aliénation gratuite des domaines de l'Etat.

Art. 138. Le Budget général des recettes et des dépenses de l'Etat doit être soumis au Parlement pour examen et approbation, trois mois au moins avant le commencement de l'année budgétaire.

L'année budgétaire est fixée par la loi.

Le Budget est voté titre par titre.

Art. 139. Le Budget est d'abord discuté et voté à la Chambre des députés.

Art. 140. La session du Parlement ne peut être clôturée avant le vote du Budget.

Art. 141. Le titre du Budget afférent au service de la Dette Publique ne pourra être l'objet d'aucune modification de nature à porter atteinte aux engagements pris par l'Egypte à cet égard. Il en sera de même de toute dépense portée au Budget en exécution d'un engagement international.

Art. 142. Si la loi du Budget n'a pas été promulguée avant le commencement de l'année budgétaire, le Budget de l'année précédente sera appliqué jusqu'à la promulgation du nouveau Budget.

Toutefois, si les titres du Budget ont été déjà approuvés par les Chambres, ils pourront être mis en vigueur provisoirement.

Art. 143. Toute dépense non prévue au Budget ou dépassant les prévisions budgétaires, ainsi que tout virement de fonds d'un titre à l'autre du Budget, doit être approuvée par le Parlement.

Art. 144. Le compte définitif de l'Administration des Finances pour l'exercice écoulé sera présenté à l'approbation du Parlement au commencement de chaque session ordinaire.

Art. 145. Les précédentes dispositions relatives au Budget et au compte définitif de l'Etat sont applicables au Budget général des recettes et des dépenses du Ministère des Wakfs et à son compte définitif annuel.

TITRE V—DE LA FORCE ARMÉE

Art. 146. La loi fixe le contingent de l'Armée.

Art. 147. Le mode de recrutement de l'Armée, son organisation ainsi que les droits et les devoirs des militaires sont déterminés par la loi.

Art. 148. L'organisation et les attributions des différentes forces de la Police sont déterminées par la loi.

TITRE VI—DISPOSITIONS GÉNÉRALES

Art. 149. L'Islam est la religion de l'Etat; l'arabe est sa langue officielle.

Art. 150. Le Caire est la capitale du Royaume d'Egypte.

Art. 151. L'extradition des réfugiés politiques est interdite, sans préjudice des accords internationaux visant à la protection de l'ordre social.

Art. 152. L'amnistie ne peut être accordée que par une loi.

Art. 153. La loi règle la manière dont le Roi exerce, conformément aux principes de la présente Constitution, ses pouvoirs en ce qui concerne les établissements religieux, la nomination des chefs religieux, les Wakfs confiés à la gestion du Ministère des Wakfs, et en géneral les matières intéressant les cultes admis dans le pays. En l'absence d'une disposition législative, ces pouvoirs continueront à être exercés d'après les règles et usages actuellement en vigueur.

Les prérogatives dont le Roi se trouve personnellement investi en Sa qualité de Chef de la Famille Royale restent réglées par la Loi No. 25 de 1922 portant règlement du Statut de la Famille Royale.

Art. 154. L'application de la présente Constitution ne peut avoir pour effet de porter atteinte aux obligations de l'Egypte envers les Etats étrangers, ni aux droits que les étrangers auraient acquis en Egypte en vertu des lois, des traités ou des usages reconnus.

Art. 155. Aucune disposition de la présente Constitution ne peut, sous quelque prétexte que ce soit, être suspendue, sauf temporairement, en temps de guerre ou d'état de siège et de la manière déterminée par la loi. En aucun cas la réunion du Parlement, dans les conditions établies par la présente Constitution, ne peut être entravée.

Art. 156. Le Roi ainsi que chacune des deux Chambres peuvent proposer la révision de la présente Constitution, soit par la modification ou la suppression d'une ou plusieurs de ses dispositions, soit par l'addition de dispositions nouvelles.

Toutefois, les dispositions relatives à la forme représentative et parlementaire, à l'ordre de la succession au Trône et aux principes de liberté et d'égalité garantis par la présente Constitution ne peuvent faire l'objet d'une proposition de révision.

Art. 157. Pour reviser la Constitution, chacune des Chambres, par une délibération prise à la majorité absolue de tous les membres, déclare la nécessité de la révision et en spécifie l'objet.

Une fois cette délibération sanctionnée par le Roi, les deux

Chambres statuent, de commun accord avec Lui, sur les points qui font l'objet de la révision. Chacune des deux Chambres ne peut valablement délibérer que si les deux tiers de ses membres sont présents; et les résolutions doivent être prises à la majorité des deux tiers des voix.

Art. 158. Aucune révision de la Constitution au sujet des droits de la Royauté ne peut avoir lieu durant la Régence.

Art. 159. La présente Constitution est applicable au Royaume d'Egypte.

Cette disposition ne porte aucune atteinte aux droits qu'a l'Egypte au Soudan.

TITRE VII—DISPOSITIONS FINALES ET TRANSITOIRES

Art. 160. Le titre que portera le Roi d'Egypte sera établi après que les délégations autorisées auront fixé le statut définitif du Soudan.

Art. 161. La Liste Civile de Sa Majesté le Roi actuel est fixée à £.E. 150,000; celle de la Famille Royale à £.E. 111,512.

Ces allocations resteront les mêmes durant Son règne, mais elles peuvent être augmentées par décision du Parlement.

Art. 162. La désignation des sénateurs sortant à l'expiration des cinq premières années se fera par tirage au sort.

Le mandat de ces sénateurs et des députés élus pour la première législature expirera le 31 octobre 1928.

Art. 163. La présente Constitution entrera en vigueur dès la réunion du Parlement.

Art. 164. Dès la promulgation de la présente Constitution et jusqu'à la réunion du Parlement, il sera pourvu à l'administration du pays et à sa législation d'après les règles et formes adoptées jusqu'ici en conformant toutefois le contenu des dispositions à édicter aux principes fondamentaux de la Constitution.

Art. 165. Le Budget pour l'année budgétaire 1923-1924 sera soumis au Parlement dès sa première réunion. La loi budgétaire de la dite année n'aura d'effet qu'en ce qui concerne la période de l'exercice restant à courir à la date de la promulgation de cette loi.

Le compte définitif de l'Administration des Finances pour l'année 1922-1923 tel qu'il a été approuvé par le Conseil des Ministres aura la même efficacité que s'il avait été approuvé par le Parlement.

Art. 166. Jusqu'à ce qu'il en soit autrement disposé par une loi, en cas de désaccord persistant entre les deux Chambres sur l'approbation d'un titre du Budget, ce désaccord sera résolu par une délibération prise par les deux Chambres réunies en Congrès, à la majorité absolue des voix.

Art. 167. Les dispositions des lois, décrets, ordres, règlements, arrêtés, décisions, et tout autre acte ou mesure pris ou édicté dans le passé et d'après les règles et formes adoptées jusqu'ici resteront en vigueur, à condition que leur exécution soit mise en harmonie avec les principes de liberté et d'égalité garantis par la présente Constitution, le tout sans préjudice du droit du pouvoir législatif de les abroger ou de les modifier dans les limites de son pouvoir, mais sans porter atteinte au principe de la non-rétroactivité des lois sanctionné à l'article 27.

Art. 168. Les dispositions de la Loi No. 28 de 1922 réglant la liquidation des biens de l'ex-Khédive Abbas Hilmi Pacha et portant restriction de ses droits sont considérées comme ayant un caractère constitutionnel; elles ne peuvent faire l'objet d'une proposition de révision.

Art. 169. Les lois qui devaient être présentées à l'Assemblée Législative aux termes de l'article 2 du Décret du 28 Zil-Kadeh 1332 (18 Octobre 1914) seront déposées au cours de la première session du Parlement sur le bureau des deux Chambres. A défaut du dit dépôt, elles cesseront d'être en vigueur pour l'avenir.

Art. 170. Nos Ministres sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Constitution.

LOI ELECTORALE

Décret-Loi No. 148 du 19 décembre 1935

Titre I—Corps Electoral

Art. 1. Sont électeurs tous les Egyptiens du sexe masculin, âgés de vingt et un ou de vingt-cinq ans accomplis, calculés d'après le calendrier grégorien, selon qu'il s'agit des élections à la Chambre des députés ou au Sénat.

Art. 2. Chaque électeur doit exercer ses droits électoraux en personne et dans la circonscription électorale dans laquelle se trouve son domicile.

Tout individu est censé avoir son domicile électoral dans le lieu où il réside à titre permanent, ou dans celui où il a des intérêts, ou encore dans celui où réside sa famille. Il doit désigner le domicile où il entend exercer ses droits électoraux.

En cas de changement de domicile, l'électeur doit notifier ce changement par déclaration écrite au Moudir ou au Gouverneur du lieu où il entend transférer son domicile, aux fins de la modification des listes prévues au deuxième alinéa de l'article 11.

Si le changement de domicile n'a pas été notifié avant la date de la convocation des collèges électoraux, l'électeur exercera ses droits électoraux dans la circonscription où il se trouvait précédemment inscrit.

Art. 3. Aucun électeur ne peut exercer son droit de vote plus d'une fois pour la même élection.

Art. 4. Sont déchus des droits électoraux:

(1) Ceux qui ont été condamnés à une peine criminelle;

(2) Ceux qui ont été condamnés pour crime à une peine correctionnelle.

Sont également déchus des droits électoraux pour les périodes ci-après indiquées respectivement:

(1) Pour une période de quinze ans à partir de la date de leur condamnation définitive, ceux qui ont été condamnés pour vol, recel d'objets volés, escroquerie, abus de confiance, concussion, corruption, banqueroute frauduleuse, faux, usage de faux, faux témoignage, subornation de témoins, attentat à la pudeur, excitation des mineurs à la débauche, vagabondage, ainsi que pour délits commis en vue d'échapper au service militaire. Il en est de même de ceux qui sont condamnés pour tentative de l'une des dites infractions prévues par la loi.

(2) Pour une période de cinq ans à partir de la date de leur condamnation définitive, ceux qui ont été condamnés à une peine d'emprisonnement pour un des délits ou tentatives des délits électoraux prévus aux articles 65, 66, 70, 71, 73, et 74 de la présente loi.

(3) Pour une période de cinq ans à partir de l'expiration de la

peine, ceux qui ont été condamnés pour l'un des délits prévus à la Loi No. 21 de 1928 sur les stupéfiants.

Les condamnations prononcées par des juridictions autres que la juridiction ordinaire n'entraînent pas la déchéance du droit électoral.

Art. 5. Sont frappés de la suspension de l'exercice des droits électoraux:

(1) Ceux qui sont en état d'interdiction et les aliénés internés, pendant leur interdiction ou leur internement.

(2) Ceux qui sont en état de faillite déclarée, pendant cinq ans à partir de la date de la déclaration de faillite, à moins qu'ils n'aient été préalablement réhabilités.

Art. 6. Le droit de vote des officiers, sous-officiers et soldats de l'armée et de la marine, ne se trouvant pas en disponibilité ou en permission libre, est suspendu tant qu'ils sont sous les armes.

Cette disposition s'applique aux officiers, sous-officiers et soldats de la Police ou de l'Administration des Gardes-Côtes ou à tout individu appartenant à tout autre corps organisé militairement.

Art. 7. Une liste électorale permanente est établie dans chaque ville et village des Moudiriehs par les soins d'un comité composé de l'Omdeh ou de celui qui en fait fonction, comme président, du Mâzoun et d'un notable sachant lire et écrire désigné par le Maamour du Markaz. A défaut du Mâzoun, le Maamour désignera pour le remplacer un notable sachant lire et écrire.

Dans chaque Kism du Caire, d'Alexandrie et de Port-Saïd, la liste électorale est établie par les soins d'un comité composé du Maamour du Kism ou de celui qui en fait fonction, comme président, et de deux notables sachant lire et écrire nommés par le Gouverneur. Dans les autres Gouvernorats, le Comité est composé d'un délégué du Gouverneur, comme président, et de deux notables sachant lire et écrire nommés par le Gouverneur.

Art. 8. La liste électorale comprendra les nom, prénoms, profession, âge et lieu d'habitation de tous les électeurs ayant, à la date du 1^er^ décembre, les qualités requises pour l'exercice des droits électoraux.

La liste électorale sera dressée en double exemplaire par ordre alphabétique, soit par ville, village ou Kism, soit par quartier ou Hissa dans les villes, villages ou Kisms.

Art. 9. Le Comité peut toujours exiger que la personne inscrite ou à inscrire sur la liste justifie de son âge, de sa nationalité et des autres conditions requises pour l'exercice des droits électoraux.

Art. 10. La liste électorale sera affichée dans chaque ville, village ou Kism dans les endroits désignés par arrêté du Moudir ou Gouverneur.

L'affichage aura lieu du 1^er^ au 15 janvier de chaque année.

Art. 11. Un des deux exemplaires de chaque liste électorale dûment signé par les membres du Comité qui l'auront dressé et le procès-verbal constatant l'affichage seront, le jour même, transmis au Moudir ou au Gouverneur.

Le Moudir ou Gouverneur contresignera cet exemplaire; il ne pourra y être fait de modification dans le courant de l'année, sauf le cas de changement de domicile ou de rectification conformément aux décisions de la Commission dont il sera parlé ci-après ou aux décisions du Tribunal. Les modifications seront signées par le Moudir ou le Gouverneur.

L'autre exemplaire de la liste restera auprès du Président du Comité et sera rectifié par ses soins suivant les modifications qui lui auront été notifiées par le Moudir ou le Gouverneur par application de l'alinéa précédent.

Art. 12. Tout Egyptien, qui se croira indûment omis sur la liste électorale, ou dont les indications relatives à son inscription auront été entâchées d'erreur, pourra réclamer son inscription ou la rectification des dites indications. De même, tout électeur inscrit sur l'une des listes de la circonscription électorale pourra réclamer l'inscription de tout individu indûment omis ou la radiation de tout autre individu indûment inscrit, comme il pourra réclamer la rectification des indications relatives à l'inscription.

Ces réclamations pourront être produites jusqu'au 31 janvier de chaque année. Elles seront adressées par écrit, dans les Moudiriehs, au Moudir, et dans les Gouvernorats, au Gouverneur. Elles seront inscrites par ordre de date dans un registre spécial et il en sera donné récépissé à ceux qui les présentent.

Tout Moudir ou Gouverneur doit, dans tous les cas, avertir sans frais les auteurs des réclamations précitées, ainsi que les personnes visées par les réclamations, afin qu'ils puissent présenter, par écrit ou verbalement, soit en personne, soit par les soins d'un mandataire, leurs observations à la commission prévue à l'article suivant.

La liste des réclamations sera déposée à la Moudirieh ou au Gouvernorat du 6 au 15 février. Tout électeur inscrit pourra en prendre connaissance.

Art. 13. Les réclamations seront jugées sans frais, du 15 février au 15 mars de chaque année, par une commission composée du Moudir ou du Gouverneur, comme président, d'un juge désigné par le Président du Tribunal de première instance et d'un membre du Parquet désigné par le Procureur Général.

A défaut du Moudir ou du Gouverneur, la présidence appartient à celui qui en fait les fonctions.

Les décisions de la Commission seront affichées du 15 au 31 mars au siège de la Moudirieh ou du Gouvernorat. Le défaut de décision ou d'affichage d'une décision sur une réclamation présentée au Moudir ou au Gouverneur dans les délais prescrits par l'article précédent vaut rejet de cette réclamation.

Art. 14. Du 1er avril jusqu'au 10, les intéressés ainsi que tout électeur inscrit sur l'une des listes de la circonscription électorale pourront se pourvoir en appel contre les décisions des Commissions devant le Tribunal de première instance dans le ressort duquel siège la Commission qui a rendu la décision. Il en est de même du cas où la décision sur une réclamation n'aurait pas été affichée.

L'appel sera formé par simple requête accompagnée d'une copie de la décision ainsi que des pièces justificatives.

Le Président du Tribunal fixera, au bas de la requête, la date de l'audience. Copie de la requête et de l'ordonnance de fixation de l'audience sera signifiée cinq jours à l'avance à toutes les parties intéressées.

Les causes seront jugées d'urgence et sur les conclusions du Ministère Public.

Le Tribunal statuera en dernier ressort et sans frais.

L'appelant qui succombera pourra être condamné à une amende ne dépassant pas P.T. 500.

Art. 15. Le Tribunal donnera avis au Moudir ou Gouverneur des infirmations par lui prononcées dans les cinq jours de la décision.

Les décisions des Commissions produiront, jusqu'au jour où cet avis aura été donné, tous leurs effets.

Art. 16. Tout électeur inscrit sur l'une des listes de la circonscription électorale pourra intervenir dans une contestation sur une demande d'inscription ou de radiation, soit devant la Commission prévue à l'article 13, soit devant le Tribunal, alors même qu'il n'a pas été partie à la décision de la Commission.

Art. 17. Au mois de décembre de chaque année, les Comités procéderont à la révision des listes électorales.

Ils ajouteront:

(1) Les Egyptiens qui auront acquis les qualités requises par la loi pour l'exercice des droits électoraux;

(2) Ceux qui auront été indûment omis lors des révisions antérieures.

Ils retrancheront:

(1) Les individus décédés;

(2) Ceux qui ont perdu les qualités requises depuis la dernière révision ou qui avaient été indûment inscrits.

Les dispositions des articles 10 à 16 sont applicables à la liste revisée.

Art. 18. Toute personne inscrite sur la liste électorale a le droit de voter et nul ne peut être admis à voter s'il n'est inscrit sur la liste électorale.

Art. 19. Le Président de la Commission visée à l'article 7 délivrera à tout individu inscrit sur la liste électorale et dont l'inscription est devenue définitive, un certificat d'élection contenant le nom du titulaire, son domicile, le numéro d'ordre et la date de son inscription sur la liste, ainsi que l'âge qui lui a été déterminé lors de l'inscription. Le dit certificat devra être revêtu du sceau du Markaz ou du Kism.

Titre II—De l'Election des Membres de la Chambre des Députés

Art. 20. Chaque Moudirieh ou Gouvernorat comptant 60,000 habitants ou plus élit un député par 60,000 habitants ou fraction de 60,000, non inférieure à 30,000. La Moudirieh ou le Gouvernorat comptant moins de 60,000 habitants, mais non moins de 30,000, élit un député.

Le Gouvernorat comptant moins de 30,000 habitants élit un député, à moins que la loi ne le rattache à un autre Gouvernorat ou à une Moudirieh.

Art. 21 La Moudirieh ou le Gouvernorat, ou la partie de Moudirieh ou de Gouvernorat, qui élit un député, constitue une circonscription électorale.

Une loi déterminera les circonscriptions électorales dans les Moudiriehs et Gouvernorats ayant droit à plus d'un député. Toutefois, la loi pourra considérer le chef-lieu d'une Moudirieh comptant moins de 60,000 habitants, mais non moins de 30,000, comme formant une circonscription électorale distincte; dans ce cas, les autres parties de la Moudirieh seront considérées comme une Moudirieh distincte, tant en ce qui concerne la détermination du nombre des députés à élire qu'en ce qui concerne la détermination des circonscriptions électorales.

En vue de faciliter les opérations électorales, une circonscription peut être divisée en sections par arrêté du Ministre de l'Intérieur.

Dans la détermination des circonscriptions électorales et des sections des dites circonscriptions, il sera tenu compte du chiffre de la population, du nombre des électeurs, des limites des circonscriptions administratives ou des villages, des moyens de communication avec le chef-lieu de la circonscription ou le siège de la section, et de toute autre condition pouvant assurer la meilleure organisation des opérations électorales.

Art. 22. Les électeurs de chaque circonscription électorale éliront un seul membre à la Chambre des députés.

Art. 23. Pour être élu membre de la Chambre des députés, il faut:

(1) Etre âgé de trente ans accomplis, calculés d'après le calendrier grégorien;

(2) Etre inscrit sur l'une des listes électorales et savoir bien lire et écrire;

(3) Ne pas être officier en disponibilité ni soldat en permission libre;

(4) Se présenter comme candidat et déposer à la caisse de la Moudirieh ou du Gouvernorat, au moment de la déclaration de candidature, une somme de £.E. 150, qui sera affectée aux oeuvres locales de bienfaisance dans la circonscription électorale si le candidat retire sa candidature, ou s'il n'obtient pas aux élections au moins le dixième des voix régulièrement émises.

Cette somme sera réduite de moitié pour les candidats du Markaz d'El Derr et des régions relevant actuellement de l'Administration des Frontières.

Les Princes et Nabils de la Dynastie Royale ne seront pas élus députés, mais ils pourront être nommés sénateurs.

Art. 24. La date des élections générales sera fixée par décret et celle des élections complémentaires, par arrêté du Ministre de l'Intérieur.

Art. 25. Nul ne peut poser sa candidature dans plus de deux circonscriptions électorales.

Art. 26. Aucun fonctionnaire ne peut poser sa candidature dans son ressort particulier. Cette disposition n'est pas applicable aux Omdehs et Cheikhs de village.

Art. 27. Les candidatures seront, sous peine de nullité, présentées par écrit à la Moudirieh ou au Gouvernorat, accompagnées du récépissé de la somme visée à l'article 23, dans les dix jours qui suivront la publication du décret ou de l'arrêté prévus à l'article 24.

Ces candidatures seront inscrites suivant la date de leur réception dans un registre spécial, et il en sera donné récépissé.

Art. 28. La liste des candidats de chaque circonscription électorale sera affichée par les soins du Moudir ou du Gouverneur, au siège de la circonscription et de toutes les sections de circonscription, dans les trois jours qui suivront l'expiration du délai fixé à l'article 27.

Cette liste restera affichée pendant cinq jours.

Tout candidat, qui aurait été omis sur la liste, pourra réclamer au Moudir ou Gouverneur son inscription dans le dit délai de cinq jours.

Art. 29. S'il apparaît qu'un candidat s'est présenté dans plus de deux circonscriptions, il aura à opter pour les deux circonscriptions dans lesquelles il désire maintenir sa candidature. S'il n'opte pas pendant les cinq jours de l'affichage, il sera considéré comme candidat dans les deux premières circonscriptions où sa candidature aura été inscrite.

Art. 30. Lorsque, dans une circonscription électorale, une seule candidature a été valablement posée, le candidat est proclamé élu par le Ministre de l'Intérieur dès l'expiration du délai ci-dessus prévu et sans qu'il y ait lieu de procéder aux formalités de l'élection.

Art. 31. Chaque candidat peut se désister de sa candidature par exploit d'huissier signifié à la Moudirieh ou au Gouvernorat cinq jours avant le date fixée pour les élections à la Chambre des députés. Mention en sera faite en regard de son nom sur la liste des candidats et annoncée le jour des élections par affichage à la porte du siège de la circonscription ou de la section électorale.

Art. 32. Le décret ou l'arrêté convoquant les électeurs sera annoncé par affichage dans chaque village, ville ou section d'une ville, ainsi que dans les endroits désignés par arrêté du Gouverneur ou du Moudir.

Au bas de chaque copie de ce décret ou arrêté seront portés les noms des candidats de la circonscription électorale.

Art. 33. Les bulletins de vote sont imprimés aux frais du Gouvernement dans la forme qui sera établie par arrêté du Ministre de l'Intérieur.

La répartition des bulletins de vote entre les différents bureaux électoraux sera également réglementée par arrêté du Ministre de l'Interieur.

Art. 34. La direction des élections, dans chaque circonscription ou section de circonscription, appartient à un bureau électoral composé d'un juge, d'un membre du Parquet, ou d'un fonctionnaire de l'Etat désigné par le Ministre de la Justice, comme président, d'un délégué du Ministre de l'Intérieur et de trois électeurs non-candidats.

Art. 35. Avant le jour de l'élection, le président du bureau électoral et le délégué du Ministre de l'Intérieur, visés à l'article précédent, choisiront d'un commun accord, dans la liste des électeurs de la circonscription, trois électeurs non-candidats sachant lire et écrire pour composer le bureau provisoire qui, le jour des élections, devra pourvoir aux opérations nécessaires pour la constitution du bureau électoral définitif.

En cas d'absence d'un ou de plusieurs des électeurs choisis comme membres du bureau provisoire, le président complétera le bureau en prenant parmi les électeurs présents le nombre de membres nécessaires.

Le bureau électoral définitif sera constitué par le juge, le membre du Parquet ou le fonctionnaire de l'Etat et le délégué du Ministre de l'Intérieur sus-visés, et par trois électeurs élus de la manière suivante:

Tout candidat peut désigner cinq électeurs dont il communiquera les noms par écrit, la veille des élections, au président du bureau provisoire. Ces électeurs ainsi désignés choisiront trois parmi eux pour faire partie du bureau.

La votation aura lieu dans la salle des élections au jour fixé, par les électeurs désignés qui seront présents et à la majorité relative. On suivra à cet effet les règles établies aux articles 40, 41 et 42 de la présente loi. Si les candidats obtiennent le même nombre de suffrages, on procédera entre eux au tirage au sort. Celui que le sort aura désigné sera considéré comme membre du bureau. Si, une heure après celle fixée pour le commencement des opérations électorales, on n'a pu constituer le bureau électoral définitif, soit que les candidats n'auront pas régulièrement désigné les électeurs, soit que ces derniers auront fait défaut, le bureau provisoire deviendra définitif. Le bureau, soit provisoire, soit définitif, choisira dans son sein son secrétaire qui aura à rédiger les procès-verbaux des opérations électorales accomplies par le bureau et à en donner lecture à la fin de la séance.

Art. 36. Le Président du bureau a la police de la réunion électorale et pourra à cet effet requérir en cas de nécessité les agents de la Police et de la force armée. Le Moudir ou Gouverneur aura toujours le droit de surveiller les réunions électorales et, au besoin, d'intervenir pour le maintien de l'ordre public; toutefois la Police ou la force armée ne pourront pénétrer dans la salle des élections que sur la réquisition du Président du bureau.

Art. 37. Seuls les électeurs et les candidats assistent à la réunion. Ils ne pourront pas s'y présenter porteurs d'arme. Les candidats auront toujours le droit d'accès à la salle des élections.

Art. 38. Trois membres du bureau, au moins, dont le secrétaire, doivent être présents pendant tout le cours des opérations.

Si, à un moment au cours des opérations, ce nombre fait défaut, le Président devra le compléter par un ou deux des électeurs présents.

Le Président est remplacé, en cas d'absence, par le membre qu'il désignera.

Le Président désignera aussi le membre ou l'électeur qui aura à remplacer le secrétaire, momentanément absent.

Art. 39. La votation reste ouverte de huit heures du matin à cinq heures du soir.

Toutefois, si à 5 heures du soir, il y a dans la salle des élections, des électeurs qui n'auront pas encore voté, le bureau électoral dressera un état de leurs noms, et la votation se poursuivra jusqu'à ce qu'ils aient voté.

La votation se fera par scrutin secret.

Art. 40. Les membres du bureau électoral qui sont électeurs votent les premiers.

En cas de sectionnement d'une circonscription, le Président du bureau et le délégué du Ministre de l'Intérieur, s'ils sont électeurs dans la circonscription, votent dans la section à laquelle ils ont été assignés comme Président et membre du bureau électoral, même s'ils appartiennent à une autre section.

Art. 41 Au moment du vote, chaque électeur présentera au bureau le certificat attestant l'inscription de son nom sur la liste électorale. L'électeur qui aura perdu son certificat sera admis à voter après vérification de son identité par le bureau.

Art. 42 Chaque électeur reçoit des mains du Président un bulletin de vote déplié et portant au verso le timbre du bureau électoral et la date de l'élection. L'électeur se rend dans un des compartiments réservés aux votes dans la salle même et, après avoir inscrit son vote, remet le bulletin plié au Président qui le dépose dans l'urne. Le secrétaire paraphe en même temps sur la liste des électeurs le nom de l'électeur qui a voté.

Les électeurs qui ne sont pas à même de remplir eux-mêmes leurs bulletins pourront exprimer leur vote de vive voix, de manière que les membres du bureau seuls entendent.

Dans ce cas, le secrétaire inscrit le vote de chaque électeur sur un bulletin visé par le Président.

Les dits électeurs peuvent aussi choisir un membre du bureau auquel ils confieront secrètement leur vote, pourvu que le Président l'entende. Le membre l'inscrit sur un bulletin visé par le Président.

Art. 43. Sont nuls les votes donnés conditionnellement ou donnés pour une personne dont le nom ne figure pas sur la liste des candidats ou pour plus d'une personne sur le même bulletin, ainsi que les votes inscrits sur un bulletin autre que celui remis par le bureau ou sur un bulletin signé par l'électeur qui a voté ou portant un signe ou indication quelconque permettant de l'identifier.

Art. 44. A l'heure fixée pour la clôture des opérations électorales, le Président du bureau déclarera la votation close, sauf pour le cas prévu à l'article 39.

On procédera ensuite au dépouillement des votes.

Dans les sections de circonscription électorale, les urnes contenant les votes devront être scellées pour qu'il soit procédé, au plus tard dans les trois jours qui suivent le jour des élections, à leur dépouillement collectif par les soins du bureau de dépouillement, formé du Président du bureau électoral du siège de la circonscription principale, comme Président, et d'un membre de chaque bureau de section, choisi par les membres de ce bureau.

Art. 45. Sans préjudice des dispositions contenues au Titre IV, le bureau statuera sur tout incident relatif aux opérations électorales et sur la validité des votes pris individuellement.

La délibération du bureau est secrète. Le Président pourra, le cas échéant, faire évacuer la salle pendant la délibération.

Les décisions sont prises à la majorité. En cas de partage, dont il sera fait mention au procès-verbal, la voix du Président est prépondérante. Ces décisions doivent être motivées et seront prononcées à haute voix par le Président.

Art. 46. Toutes réclamations et décisions doivent être insérées au procès-verbal.

Toutefois, le défaut de mention au procès-verbal d'un incident ou d'une décision ne peut motiver l'annulation des opérations électorales.

Art. 47. Le membre de la Chambre des députés est élu à la majorité absolue des voix exprimées.

Si, au premier tour de scrutin, aucun candidat n'a obtenu la majorité absolue, il sera procédé dans les cinq jours à un ballottage entre les deux candidats qui ont obtenu le plus grand nombre de voix. S'il y a parité de voix avec d'autres candidats, ils seront également compris dans le ballottage.

Au second tour de scrutin, l'élection a lieu à la majorité relative des voix régulières exprimées.

Si, toutefois, deux ou plusieurs candidats obtiennent le même nombre de suffrages, le bureau procédera au tirage au sort entre eux. Celui qui sera désigné par le sort sera considéré comme élu.

Art. 48. Le Président du bureau proclamera le nom du membre élu.

Tous les membres du bureau signeront, séance tenante, deux originaux du procès-verbal de l'élection. L'un sera transmis directement, avec toutes les pièces y relatives, au Ministre de l'Intérieur dans les trois jours, et l'autre sera conservé à la Moudirieh ou au Gouvernorat.

Art. 49. Le Ministre de l'Intérieur adressera, sans retard, à chacun des membres élus un certificat d'élection.

Art. 50. Si, pour se transporter de sa résidence au lieu des opérations électorales, l'électeur doit se servir de la voie ferrée de l'Etat, il lui sera délivré deux billets gratis de troisième classe pour l'aller et le retour, sur présentation de son certificat d'inscription sur la liste électorale.

Art. 51. Tout écrit ou autre moyen de publication visé à l'article 148 du Code Pénal Indigène devra, s'il vise à la propagande électorale, porter le nom de l'éditeur.

Cette disposition s'applique depuis le jour de la publication au "Journal Officiel" de la date des élections et jusqu'à la fin des opérations électorales.

Titre III—De l'Election des Membres du Sénat

Art. 52. Chaque Moudirieh ou Gouvernorat comptant 180,000 habitants ou plus élit un sénateur par 180,000 habitants ou fraction de 180,000 habitants, non inférieure à 90,000. La Moudirieh ou le Gouvernorat comptant moins de 180,000 habitants, mais non moins de 90,000 habitants, élit un sénateur. Le Gouvernorat comptant moins de 90,000 habitants élit un sénateur, à moins que la loi ne le rattache à un autre Gouvernorat ou à une Moudirieh.

Art. 53. La Moudirieh ou le Gouvernorat ou la partie de Moudirieh ou de Gouvernorat, qui élit un sénateur, constitue une circonscription électorale.

Une loi déterminera les circonscriptions électorales dans les Moudiriehs et Gouvernorats ayant droit à plus d'un sénateur. Toutefois, la loi pourra considérer le chef-lieu d'une Moudirieh comptant moins de 180,000 habitants, mais non moins de 90,000, comme formant une circonscription électorale distincte; dans ce cas, les autres parties de la Moudirieh seront considérées comme une Moudirieh distincte, tant en ce qui concerne la détermination du nombre des sénateurs à élire qu'en ce qui concerne la détermination des circonscriptions électorales.

En vue de faciliter les opérations électorales, une circonscription peut être divisée en sections par arrêté du Ministre de l'Intérieur.

Dans la détermination des circonscriptions électorales, et des sections des dites circonscriptions, il sera tenu compte du chiffre de la population, du nombre des électeurs, des limites des circonscriptions administratives ou des villages, des moyens de communication avec le chef-lieu de la circonscription ou le siège de la section et de toute autre condition pouvant assurer la meilleure organisation des opérations électorales.

Art. 54. Les électeurs de chaque circonscription électorale éliront un seul membre au Sénat.

Art. 55. Pour être sénateur, il faut:

(1) Etre âgé au moins de 40 ans révolus calculés d'après le calendrier grêgorien.

(2) Appartenir à l'une des catégories suivantes:

(a) Ministres; Représentants Diplomatiques; Président de la Chambre des Députés; Sous-Secrétaires d'Etat; Présidents et Conseillers de la Cour d'Appel ou d'une Juridiction de même rang ou d'un rang supérieur; Procureurs Généraux; Bâtonniers de l'Ordre des Avocats; Fonctionnaires de l'Etat du rang de Directeur Général et au-dessus—tant actuels qu'anciens.

(b) Princes et Nabils de la Dynastie Royale, par voie de nomination et non d'élection; Hauts Représentants du Corps des Ulémas et du Clergé; Officiers Généraux retraités du grade de Lewa et d'un grade plus élevé; Députés ayant fait partie de la Chambre pendant deux législatures; Propriétaires payant des impôts d'un montant annuel de £.E. 150 au moins; personnes ayant un revenu annuel de £.E. 1,500 au moins et faisant partie d'entreprises financières, commerciales ou industrielles ou appartenant à une carrière libérale—le tout sous réserve des incompatibilités de fonctions prévues par la Constitution ou par la présente loi.

Le taux de l'impôt et des revenus est réduits au tiers en faveur des éligibles de la Moudirieh d'Assouan.

(3) Savoir bien lire et écrire.

Le sénateur élu doit également:

(a) Etre inscrit sur l'une des listes électorales.

(b) Poser sa candidature et déposer à la caisse de la Moudirieh ou du Gouvernorat, au moment de la déclaration de candida-

ture, la somme de £.E. 150, qui sera affectée aux oeuvres locales de bienfaisance, s'il retire sa candidature ou s'il n'obtient pas au moins le dixième des voix émises.

Art. 56. Les dispositions du Titre II, à moins d'être contraires à celles du présent Titre, sont applicables à l'élection des sénateurs.

TITRE IV—DES CONTESTATIONS RELATIVE À LA VALIDITÉ DU MANDAT DES DÉPUTÉS ET DES SÉNATEURS, DES INCOMPATIBILITÉS ET DES DÉCHÉANCES

Art.57—Art. 64.

TITRE V—DES INFRACTIONS ELECTORALES

Art. 65—Art. 78.

TITRE VI—DISPOSITIONS GÉNÉRALES ET TRANSITOIRES

Art. 79—Art. 85.

AGREEMENT

BETWEEN HER BRITANNIC MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF THE KHEDIVE OF EGYPT, RELATIVE TO THE FUTURE ADMINISTRATION OF THE SOUDAN,[1] JANUARY 19, 1899; AS AMENDED BY AN AGREEMENT OF JULY 10, 1899, RELATIVE TO THE INCLUSION OF SUAKIN IN THE AGREEMENT OF JANUARY 19, 1899

Whereas certain provinces in the Soudan which were in rebellion against the authority of His Highness the Khedive have now been reconquered by the joint military and financial efforts of Her Britannic Majesty's Government and the Government of His Highness the Khedive;

And whereas it has become necessary to decide upon a system for the administration of, and for the making of laws for, the said reconquered provinces, under which due allowance may be made for the backward and unsettled condition of large portions thereof, and the varying requirements of different localities;

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[1] Cf. Treaty of Alliance of August 26, 1936, Art. 11 and Annex, pp. 62-64; also Declaration to Egypt 1922, Art. 3(d), p. 56.—ED.

And whereas it is desired to give effect to the claims which have accrued to her Britannic Majesty's Government, by right of conquest, to share in the present settlement and future working and development of the said system of administration and legislation;

And whereas it is conceived that for many purposes Wadi Halfa and Suakin may be most effectively administered in conjunction with the reconquered provinces to which they are respectively adjacent:

Now, it is hereby agreed and declared by and between the Undersigned, duly authorized for that purpose, as follows:—

I. The word "Soudan" in this Agreement means all the territories south of the 22nd parallel of latitude, which—

1. Have never been evacuated by Egyptian troops since the year 1882; or

2. Which, having before the late rebellion in the Soudan been administered by the Government of His Highness the Khedive were temporarily lost to Egypt, and have been reconquered by Her Britannic Majesty's Government and the Egyptian Government, acting in concert; or

3. Which may hereafter be reconquered by the two Governments acting in concert.

II. The British and Egyptian flags shall be used together, both on land and water, throughout the Soudan, except in the town of Suakin, in which locality the Egyptian flag alone shall be used.

III. The supreme military and civil command in the Soudan shall be vested in one officer, termed the "Governor-General of the Soudan." He shall be appointed by Khedivial Decree on the recommendation of Her Britannic Majesty's Government, and shall be removed only by Khedivial Decree, with the consent of Her Britannic Majesty's Government.

IV. Laws, as also orders and regulations with the full force of law, for the good government of the Soudan, and for regulating the holding, disposal, and devolution of property of every kind therein situate, may from time to time be made, altered, or abrogated by Proclamation of the Governor-General. Such laws, orders, and regulations may apply to the whole or any named part of the Soudan, and may, either explicitly or by necessary implication, alter or abrogate any existing law or regulation.

All such Proclamations shall be forthwith notified to Her Britannic Majesty's Agent and Consul-General in Cairo, and to the President of the Council of Ministers of His Highness the Khedive.

V. No Egyptian Law, Decree, Ministerial Arrêté, or other enactment hereafter to be made or promulgated shall apply to the Soudan or any part thereof, save in so far as the same shall be applied by Proclamation of the Governor-General in manner hereinbefore provided.

VI. In the definition by Proclamation of the conditions under which Europeans, of whatever nationality, shall be at liberty to trade with or reside in the Soudan, or to hold property within its limits, no special privileges shall be accorded to the subjects of any one or more Powers.

VII. Import duties on entering the Soudan shall not be payable on goods coming from Egyptian territory. Such duties may, however, be levied on goods coming from elsewhere than Egyptian territory; but in the case of goods entering the Soudan at Suakin, or any other port on the Red Sea littoral, they shall not exceed the corresponding duties for the time being leviable on goods entering Egypt from abroad. Duties may be levied on goods leaving the Soudan at such rates as may from time to time be prescribed by Proclamation.

VIII. The jurisdiction of the Mixed Tribunals shall not extend, nor be recognized for any purpose whatsoever, in any part of the Soudan [except in the town of Suakin].[1]

IX. Until and save so far as it shall be otherwise determined by Proclamation, the Soudan, with the exception of the town of Suakin, shall be and remain under martial law.

X. No Consuls, Vice-Consuls, or Consular Agents shall be accredited in respect of nor allowed to reside in the Soudan, without the previous consent of Her Britannic Majesty's Government.

XI. The importation of slaves into the Soudan, as also their exportation, is absolutely prohibited. Provision shall be made by Proclamation for the enforcement of this Regulation.

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[1] Article I of the agreement of July 10, 1899, reads: "Those provisions of our Agreement of the 19th day of January, 1899, by which the town of Suakin was excepted from the general régime established by the said Agreement for the future administration of the Soudan, are hereby abrogated." As to the Mixed Tribunals, see the note to the Annex to Art. 13 of the Treaty of Alliance, p. 64.—Ed.

XII. It is agreed between the two Governments that special attention shall be paid to the enforcement of the Brussels Act of the 2nd July, 1890, in respect of the import, sale, and manufacture of fire-arms and their munitions, and distilled or spirituous liquors.

DECLARATION TO EGYPT BY HIS BRITANNIC MAJESTY'S GOVERNMENT

FEBRUARY 21, 1922

The Marquess Curzon of Kedleston to Field-Marshal Viscount Allenby.

FOREIGN OFFICE, FEBRUARY 21, 1922.

MY LORD,

I transmit to you herewith copies of the following documents:—

a) A declaration which His Majesty's Government will invite Parliament to approve terminating the protectorate over Egypt.

b) A letter which your Lordship should address to the Sultan when communicating to his Highness the above declaration.

His Majesty's Government are convinced that the people of Egypt will show themselves worthy of the independence which they have now secured and will prove by their use of it that the confidence reposed in them has not been misplaced.

I am, &c.
CURZON OF KEDLESTON

DECLARATION TO EGYPT

Whereas His Majesty's Government, in accordance with their declared intentions, desire forthwith to recognise Egypt as an independent sovereign State; and

Whereas the relations between His Majesty's Government and Egypt are of vital interest to the British Empire;

The following principles are hereby declared:—

1. The British Protectorate over Egypt is terminated, and Egypt is declared to be an independent sovereign State.

2. So soon as the Government of his Highness shall pass an Act of Indemnity with application to all inhabitants of Egypt, martial law as proclaimed on the 2nd November, 1914, shall be withdrawn.

3. The following matters are absolutely reserved to the discretion of His Majesty's Government until such time as it may be possible by free discussion and friendly accommodation on both sides to conclude agreements in regard thereto between His Majesty's Government and the Government of Egypt:—[1]

a) The security of the communications of the British Empire in Egypt;
b) The defence of Egypt against all foreign aggression or interference, direct or indirect;
c) The protection of foreign interests in Egypt and the protection of minorities;
d) The Soudan.

Pending the conclusion of such agreements, the *status quo* in all these matters shall remain intact.

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[1] See the Treaty of Alliance, pp. 56-66.

TREATY OF ALLIANCE BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF EGYPT[1]

London, August 26, 1936

Article 1. The military occupation of Egypt by the forces of His Majesty the King and Emperor is terminated.

Article 2. His Majesty the King and Emperor will henceforth be represented at the Court of His Majesty the King of Egypt and His Majesty the King of Egypt will be represented at the Court of St. James's by Ambassadors duly accredited.

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[1] Treaty relations between the United Kingdom and Egypt are now being discussed and may undergo changes in the near future.—Ed.

Article 3. Egypt intends to apply for membership to the League of Nations. His Majesty's Government in the United Kingdom, recognising Egypt as a sovereign independent State, will support any request for admission which the Egyptian Government may present in the conditions prescribed by Article 1 of the Covenant.[1]

Article 4. An alliance is established between the High Contracting Parties with a view to consolidating their friendship, their cordial understanding and their good relations.

Article 5. Each of the High Contracting Parties undertakes not to adopt in relation to foreign countries an attitude which is inconsistent with the alliance, nor to conclude political treaties inconsistent with the provisions of the present treaty.

Article 6. Should any dispute with a third State produce a situation which involves a risk of a rupture with that State, the High Contracting Parties will consult each other with a view to the settlement of the said dispute by peaceful means, in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

Article 7. Should, notwithstanding the provisions of Article 6 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 10 below, immediately come to his aid in the capacity of an ally.

The aid of His Majesty the King of Egypt in the event of war, imminent menace of war or apprehended international emergency will consist in furnishing to His Majesty The King and Emperor on Egyptian territory, in accordance with the Egyptian system of administration and legislation, all the facilities and assistance in his power, including the use of his ports, aerodromes and means of communication. It will accordingly be for the Egyptian Government to take all the administrative and legislative measures, including the establishment of martial law and an effective censorship, necessary to render these facilities and assistance effective.

Article 8. In view of the fact that the Suez Canal, whilst being an integral part of Egypt, is a universal means of communication as also an essential means of communication between the different parts of the British Empire, His Majesty the King of Egypt, until such time as the High Contracting Parties agree that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal, authorises His Majesty The King and Emperor to station forces in Egyptian territory in the vicinity of the Canal, in the zone specified in the Annex to this Article, with a view to ensuring in co-operation with the Egyptian forces the defence of the Canal. The detailed arrangements for the carrying into effect of this Article are contained in the Annex hereto. The presence of these forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Egypt.

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[1] Egypt was admitted to the League of Nations at a special meeting of the Assembly, May 26, 1937.—Ed.

It is understood that at the end of the period of twenty years specified in Article 16 the question whether the presence of British forces is no longer necessary owing to the fact that the Egyptian Army is in a position to ensure by its own resources the liberty and entire security of navigation of the Canal may, if the High Contracting Parties do not agree thereon, be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such other procedure as the High Contracting Parties may agree.

ANNEX TO ARTICLE 8.

1. Without prejudice to the provisions of Article 7, the numbers of the forces of His Majesty The King and Emperor to be maintained in the vicinity of the Canal shall not exceed, of the land forces, 10,000, and of the air forces, 400 pilots, together with the necessary ancillary personnel for administrative and technical duties. These numbers do not include civilian personnel, e.g., clerks, artisans and labourers.

2. The British forces to be maintained in the vicinity of the Canal will be distributed (a) as regards the land forces, in Moascar and the Geneifa area on the south-west side of the Great Bitter Lake, and (b) as regards the air forces, within 5 miles of the Port Said–Suez railway from Kantara in the north, to the junction of the railway Suez-Cairo and Suez-Ismailia in the south, together with an extension along the Ismailia-Cairo railway to include the Royal Air Force Station at Abu Sueir and its satellite landing grounds; together with areas suitable for air firing and bombing ranges, which may have to be placed east of the Canal.

3. In the localities specified above there shall be provided for the British land and air forces of the numbers specified in paragraph 1 above, including 4,000 civilian personnel (but less 2,000 of the land forces, 700 of the air forces and 450 civilian personnel for whom accommodation already exists), the necessary lands and durable barrack and technical accommodation, including an emergency water supply. The lands, accommodation and water supply shall be suitable according to modern standards. In addition, amenities such as are reasonable, having regard to the character of

these localities, will be provided by the planting of trees and the provision of gardens, playing fields, etc., for the troops, and a site for the erection of a convalescent camp on the Mediterranean coast.

4. The Egyptian Government will make available the lands and construct the accommodation, water supplies, amenities and convalescent camp, referred to in the preceding paragraph as being necessary over and above the accommodation already existing in these localities, at its own expense, but His Majesty's Government in the United Kingdom will contribute (1) the actual sum spent by the Egyptian Government before 1914 on the construction of new barracks as alternative accommodation to the Kasr-el-Nil Barracks in Cairo, and (2) the cost of one-fourth of the barrack and technical accommodation for the land forces. The first of these sums shall be paid at the time specified in paragraph 8 below for the withdrawal of the British forces from Cairo and the second at the time for the withdrawal of the British forces from Alexandria under paragraph 18 below. The Egyptian Government may charge a fair rental for the residential accommodation provided for the civilian personnel. The amount of the rent will be agreed between His Majesty's Government in the United Kingdom and the Egyptian Government.

5. The two Governments will each appoint, immediately the present treaty comes into force, two or more persons who shall together form a committee to whom all questions relating to the execution of these works from the time of their commencement to the time of their completion shall be entrusted. Proposals for, or outlines of, plans and specifications put forward by the representatives of His Majesty's Government in the United Kingdom will be accepted, provided they are reasonable and do not fall outside the scope of the obligations of the Egyptian Government under paragraph 4. The plans and specifications of each of the works to be undertaken by the Egyptian Government shall be approved by the representatives of both Governments on this committee before the work is begun. Any member of this committee, as well as the Commanders of the British forces or their representatives, shall have the right to examine the works at all stages of their construction, and the United Kingdom members of the committee may make suggestions as regards the manner in which the work is carried out. The United Kingdom members shall also have the right to make at any time, while the work is in progress, proposals for modifications or alterations in the plans and specifications. Effect shall be given to suggestions and proposals by the United Kingdom members, subject to the condition that they are reasonable and do not fall outside the scope of the obligations of the Egyptian Government under paragraph 4. In the case of machinery and other stores, where standardization of type is important, it is agreed that stores of the standard type in general use by the British forces will be obtained and installed. It is, of course, understood that His Majesty's Government in the United Kingdom may, when the barracks and accommodation are being used by the British forces, make at their own expense improvements or alterations thereto and construct new buildings in the area specified in paragraph 2 above.

6. In pursuance of their programme for the development of road and railway communications in Egypt, and in order to bring the means of communications in Egypt up to modern strategic requirements, the Egyptian Government will construct and maintain the following roads, bridges and railways:—

(A)—Roads

(i) Ismailia-Alexandria, via Tel-el-Kebir, Zagazig, Zifta, Tanta, Kafr-el-Zayat, Damanhour.

(ii) Ismailia-Cairo, via Tel-el-Kebir and thence continuing along the Sweet Water Canal to Heliopolis.

(iii) Port Said-Ismailia-Suez.

(iv) A link between the south end of the Great Bitter Lake and the Cairo-Suez road about 15 miles west of Suez.

In order to bring them up to the general standard of good-class roads for general traffic, these roads will be 20 feet wide, have bye-passes round villages, etc., and be made of such material as to be permanently utilisable for military purposes, and will be constructed in the above order of importance. They will comply with the technical specifications set out below which are the ordinary specifications for a good-class road for general traffic.

Bridges and roads shall be capable of carrying a double line of continuous columns of either heavy four-wheeled mechanical transport, six-wheeled mechanical transport or medium tanks. With regard to four-wheeled vehicles, the distance between the front axle of one vehicle and the rear axle of the vehicles next ahead shall be calculated at 20 feet, the load on each rear axle to be 14 tons, on each front axle to be 6 tons and the distance between axles 18 feet. With regard to six-wheeled vehicles, the distance between the front axle of one vehicle and the rear axle of that next ahead shall be calculated to be 20 feet, between rear axle and middle axle to be 4 feet and between middle axle and front axle 13 feet; the load on each rear and middle axle to be 8.1 tons and on each front axle to be 4 tons. Tanks shall be calculated for as weighing 19.25 tons, to be 25 feet over all in length and to have a distance of 3 feet between the front of one tank and the rear of the next ahead; the load of 19.25 tons to be carried by tracks which have a bearing of 13 feet upon the road or bridge.

(B)—RAILWAYS

(i) Railway facilities in the Canal Zone will be increased and improved to meet the needs of the increased garrison in the zone and to provide facilities for rapid entrainment of personnel, guns, vehicles and stores according to the requirements of a modern army. His Majesty's Government in the United Kingdom are hereby authorised to make at their own expense such subsequent additions and modifications to these railway facilities as the future requirements of the British forces may demand. Where such additions and modifications affect railway lines used for general traffic, the permission of the Egyptian Government must be obtained.

(ii) The line between Zagazig and Tanta will be doubled.

(iii) The Alexandria-Mersa Matruh line will be improved and made permanent.

7. In addition to the roads specified in paragraph 6(A) above, and for the same purposes, the Egyptian Government will construct and maintain the following roads:—

(i) Cairo south along the Nile to Kena and Kus;

(ii) Kus to Kosseir;

(iii) Kena to Hurghada.

These roads and the bridges thereon will be constructed to satisfy the same standards as those specified in paragraph 6 above.

It may not be possible for the construction of the roads referred to in this paragraph to be undertaken at the same time as the roads referred to in paragraph 6, but they will be constructed as soon as possible.

8. When, to the satisfaction of both the High Contracting Parties, the accommodation referred to in paragraph 4 is ready (accommodation for the forces retained temporarily at Alexandria in accordance with paragraph 18 below not being included) and the works referred to in paragraph 6 above (other than the railways referred to in (ii) and (iii) of part (B) of that paragraph) have been completed, then the British forces in parts of Egypt other than the areas in the Canal Zone specified in paragraph 2 above and except for those maintained temporarily at Alexandria, will withdraw and the lands, barracks, aircraft landing grounds, sea-

plane anchorages and accommodation occupied by them will be vacated and, save in so far as they may belong to private persons, be handed over to the Egyptian Government.

9. Any difference of opinion between the two Governments relating to the execution of paragraphs 3, 4, 5, 6, 7 and 8 above will be submitted to the decision of an Arbitral Board, composed of three members, the two Governments nominating each a member and the third being nominated by the two Governments in common agreement. The decision of the Board shall be final.

10. In order to ensure the proper training of British troops, it is agreed that the area defined below will be available for the training of British forces: (a) and (b) at all times of the year, and (c) during February and March for annual manoeuvres:—

(a) West of the Canal: From Kantara in the north to the Suez-Cairo railway (inclusive) in the south and as far as longitude 31 degrees 30 minutes east, exclusive of all cultivation;

(b) East of the Canal as required;

(c) A continuation of (a) as far south as latitude 29 degrees 52 minutes north, thence south-east to the junction of latitude 29 degrees 30 minutes north and longitude 31 degrees 44 minutes east and from that point eastwards along latitude 29 degrees 30 minutes north.

The areas of the localities referred to above are included in the map (scale 1:500,000) which is annexed to the present Treaty.

11. Unless the two Governments agree to the contrary, the Egyptian Government will prohibit the passage of aircraft over the territories situated on either side of the Suez Canal and within 20 kilometres of it, except for the purpose of passage from east to west or *vice versa* by means of a corridor 10 kilometres wide at Kantara. This prohibition will not, however, apply to the forces of the High Contracting Parties or to genuinely Egyptian air organisations or to air organisations genuinely belonging to any part of the British Commonwealth of Nations operating under the authority of the Egyptian Government.

12. The Egyptian Government will provide when necessary reasonable means of communication and access to and from the localities where the British forces are situated and will also accord facilities at Port Said and Suez for the landing and storage of material and supplies for the British forces, including the maintenance of a small detachment of the British forces in these ports to handle and guard this material and these supplies in transit.

13. In view of the fact that the speed and range of modern aircraft necessitate the use of wide areas for the efficient training of air forces, the Egyptian Government will accord permission to the British air forces to fly wherever they consider it necessary for the purpose of training. Reciprocal treatment will be accorded to Egyptian air forces in British territories.

14. In view of the fact that the safety of flying is dependent upon provision of a large number of places where aircraft can alight, the Egyptian Government will secure the maintenance and constant availability of adequate landing grounds and seaplane anchorages in Egyptian territory and waters. The Egyptian Government will accede to any request from the British air forces for such additional landing grounds and seaplane anchorages as experience may show to be necessary to make the number adequate for allied requirements.

15. The Egyptian Government will accord permission for the British air forces to use the said landing grounds and seaplane anchorages, and in the case of certain of them to send stocks of fuel and stores thereto, to be kept in sheds to be erected thereon for this purpose, and in case of urgency to undertake such work as may be necessary for the safety of aircraft.

16. The Egyptian Government will give all necessary facilities for the passage of the personnel of the British forces, aircraft and stores to and from the said landing grounds and seaplane anchorages. Similar facilities will be afforded to the personnel, aircraft and stores of the Egyptian forces at the air bases of the British forces.

17. The British military authorities shall be at liberty to request permission from the Egyptian Government to send parties of officers in civilian clothes to the Western Desert to study the ground and draw up tactical schemes. This permission shall not be unreasonably withheld.

18. His Majesty the King of Egypt authorises His Majesty The King and Emperor to maintain units of his forces at or near Alexandria for a period not exceeding eight years from the date of the coming into force of the present treaty, this being the approximate period considered necessary by the two High Contracting Parties—

(a) For the final completion of the barrack accommodation in the Canal zone:

(b) For the improvement of the roads—

- (i) Cairo-Suez;
- (ii) Cairo-Alexandria via Giza and the desert;
- (iii) Alexandria–Mersa Matruh;

so as to bring them up to the standard specified in part (A) of paragraph 6;

(c) The improvement of the railway facilities between Ismailia and Alexandria, and Alexandria and Mersa Matruh referred to in (ii) and (iii) of part (B) of paragraph 6.

The Egyptian Government will complete the work specified in (a), (b) and (c) above before the expiry of the period of eight years aforesaid. The roads and railway facilities mentioned above will, of course, be maintained by the Egyptian Government.

19. The British forces in or near Cairo shall, until the time for withdrawal under paragraph 8 above, and the British forces in or near Alexandria until the expiry of the time specified in paragraph 18 above, continue to enjoy the same facilities as at present.

Article 9. The immunities and privileges in jurisdictional and fiscal matters to be enjoyed by the forces of His Majesty The King and Emperor who are in Egypt in accordance with the provisions of the present treaty will be determined in a separate convention to be concluded between the Egyptian Government and His Majesty's Government in the United Kingdom.

Article 10. Nothing in the present treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th August, 1928.

Article 11. 1. While reserving liberty to conclude new conventions in future, modifying the agreements of the 19th January and the 10th July, 1899,[1] the High Contracting Parties agree that the administration of the Sudan shall continue to be that resulting from the said agreements. The Governor-General shall continue to exercise on the joint behalf of the High Contracting Parties the powers conferred upon him by the said agreements.

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[1] See pp. 52-55.

The High Contracting Parties agree that the primary aim of their administration in the Sudan must be the welfare of the Sudanese.

Nothing in this article prejudices the question of sovereignty over the Sudan.

2. Appointments and promotions of officials in the Sudan will in consequence remain vested in the Governor-General, who, in making new appointments to posts for which qualified Sudanese are not available, will select suitable candidates of British and Egyptian nationality.

3. In addition to Sudanese troops, both British and Egyptian troops shall be placed at the disposal of the Governor-General for the defence of the Sudan.

4. Egyptian immigration into the Sudan shall be unrestricted except for reasons of public order and health.

5. There shall be no discrimination in the Sudan between British subjects and Egyptian nationals in matters of commerce, immigration or the possession of property.

6. The High Contracting Parties are agreed on the provisions set out in the Annex to this Article as regards the method by which international conventions are to be made applicable to the Sudan.

ANNEX TO ARTICLE II.

1. Unless and until the High Contracting Parties agree to the contrary in application of paragraph 1 of this Article, the general principle for the future shall be that international conventions shall only become applicable to the Sudan by the joint action of the Governments of the United Kingdom and of Egypt, and that such joint action shall similarly also be required if it is desired to terminate the participation of the Sudan in an international convention which already applies to this territory.

2. Conventions to which it will be desired that the Sudan should be a party will generally be conventions of a technical or humanitarian character. Such conventions almost invariably contain a provision for subsequent accession, and in such cases this method of making the convention applicable to the Sudan will be adopted. Accession will be effected by a joint instrument, signed on behalf of Egypt and the United Kingdom respectively by two persons duly authorised for the purpose. The method of depositing the instruments of accession will be the subject of agreement in each case between the two Governments. In the event of its being desired to apply to the Sudan a convention which does not contain an accession clause, the

method by which this should be effected will be the subject of consultation and agreement between the two Governments.

3. If the Sudan is already a party to a convention, and it is desired to terminate the participation of the Sudan therein, the necessary notice of termination will be given jointly by the United Kingdom and by Egypt.

4. It is understood that the participation of the Sudan in a convention and the termination of such participation can only be effected by joint action specifically taken in respect of the Sudan, and does not follow merely from the fact that the United Kingdom and Egypt are both parties to a convention or have both denounced a convention.

5. At international conferences where such conventions are negotiated, the Egyptian and the United Kingdom delegates would naturally keep in touch with a view to any action which they may agree to be desirable in the interests of the Sudan.

Article 12. His Majesty The King and Emperor recognises that the responsibility for the lives and property of foreigners in Egypt devolves exclusively upon the Egyptian Government, who will ensure the fulfilment of their obligations in this respect.

Article 13.[1] His Majesty The King and Emperor recognises that the capitulatory régime now existing in Egypt is no longer in accordance with the spirit of the times and with the present state of Egypt.

His Majesty the King of Egypt desires the abolition of this régime without delay.

Both High Contracting Parties are agreed upon the arrangements with regard to this matter as set forth in the Annex to this Article.

ANNEX TO ARTICLE 13.

1. It is the object of the arrangements set out in this Annex:—

(i) To bring about speedily the abolition of the Capitulations in Egypt with the disappearance of the existing restrictions on Egyptian sovereignty in the matter of the application of Egyptian legislation (including financial legislation) to foreigners as its necessary consequence;

(ii) To institute a transitional régime for a reasonable and not unduly prolonged period to be fixed, during which the Mixed Tribunals will remain and will, in addition to their present judicial jurisdiction, exercise the jurisdiction at present vested in the Consular Courts.

At the end of this transitional period the Egyptian Government will be free to dispense with the Mixed Tribunals.

2. As a first step, the Egyptian Government will approach the Capitulatory Powers as soon as possible with a view to a) the removal of all restrictions on the application of Egyptian legislation to foreigners, and b) the institution of a transitional régime for the Mixed Tribunals as provided in paragraph 1 (ii) above.

3. His Majesty's Government in the United Kingdom, as the Government of a Capitulatory Power and as an ally of Egypt, are in no way opposed to the ar-

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[1] As to the Capitulations, see Convention regarding the *Abolition of the Capitulations in Egypt* of May 8, 1937. Cmd. 5491. H.M. Stationery Office, London, 1937.—Ed.

rangements referred to in the preceding paragraph and will collaborate actively with the Egyptian Government in giving effect to them by using all their influence with the Powers exercising capitulatory rights in Egypt.

4. It is understood that in the event of its being found impossible to bring into effect the arrangements referred to in paragraph 2, the Egyptian Government retains its full rights unimpaired with regard to the capitulatory régime, including the Mixed Tribunals.

5. It is understood that paragraph 2 (a) involves not merely that the assent of the Capitulatory Powers will be no longer necessary for the application of any Egyptian legislation to their nationals, but also that the present legislative functions of the Mixed Tribunals as regards the application of Egyptian legislation to foreigners will terminate. It would follow from this that the Mixed Tribunals in their judicial capacity would no longer have to pronounce upon the validity of the application to foreigners of an Egyptian law or decree which has been applied to foreigners by the Egyptian Parliament or Government, as the case may be.

6. His Majesty the King of Egypt hereby declares that no Egyptian legislation made applicable to foreigners will be inconsistent with the principles generally adopted in modern legislation or, with particular relation to legislation of a fiscal nature, discriminate against foreigners, including foreign corporate bodies.

7. In view of the fact that it is the practice in most countries to apply to foreigners the law of their nationality in matters of "statut personnel," consideration will be given to the desirability of excepting from the transfer of jurisdiction, at any rate in the first place, matters relating to "statut personnel" affecting nationals of those Capitulatory Powers who wish that their Consular authorities should continue to exercise such jurisdiction.

8. The transitional régime for the Mixed Tribunals and the transfer to them of the jurisdiction at present exercised by the Consular Courts (which régime and transfer will, of course, be subject to the provisions of the special convention referred to in Article 9) will necessitate the revision of existing laws relating to the organisation and jurisdiction of the Mixed Tribunals, including the preparation and promulgation of a new Code of Criminal Procedure. It is understood that this revision will include amongst other matters:—

(i) The definition of the word "foreigner" for the purpose of the future jurisdiction of the Mixed Tribunals;

(ii) The increase of the personnel of the Mixed Tribunals and the Mixed Parquet, which will be necessitated by the proposed extension of their jurisdiction;

(iii) The procedure in the case of pardons or remissions of sentences imposed on foreigners and also in connection with the execution of capital sentences passed on foreigners.

Article 14. The present treaty abrogates any existing agreements or other instruments whose continued existence is inconsistent with its provisions. Should either High Contracting Party so request, a list of the agreements and instruments thus abrogated shall be drawn up in agreement between them within six months of the coming into force of the present treaty.

Article 15. The High Contracting Parties agree that any difference on the subject of the application or interpretation of the provisions of the present treaty which they are unable to settle by direct negotiation shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

Article 16. At any time after the expiration of a period of twenty years from the coming into force of the treaty, the High Contracting Parties will, at the request of either of them, enter into negotiations with a view to such revision of its terms by agreement between them as may be appropriate in the circumstances as they then exist. In case of the High Contracting Parties being unable to agree upon the terms of the revised treaty, the difference will be submitted to the Council of the League of Nations for decision in accordance with the provisions of the Covenant in force at the time of signature of the present treaty or to such other person or body of persons for decision in accordance with such procedure as the High Contracting Parties may agree. It is agreed that any revision of this treaty will provide for the continuation of the Alliance between the High Contracting Parties in accordance with the principles contained in Articles 4, 5, 6 and 7. Nevertheless, with the consent of both High Contracting Parties, negotiations may be entered into at any time after the expiration of a period of ten years after the coming into force of the treaty, with a view to such revision as aforesaid.

Article 17. The present treaty is subject to ratification. Ratifications shall be exchanged in Cairo as soon as possible. The treaty shall come into force on the date of the exchange of ratifications, and shall thereupon be registered with the Secretary-General of the League of Nations.[1]

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[1] This Treaty of Alliance is accompanied by an Agreed Minute; Notes signed in London, August 26, 1936; Notes exchanged in Egypt, August 12, 1936; Oral Declaration made by the President of the Egyptian Council of Ministers; and a Convention concerning the Immunities and Priviliges of the British Forces in Egypt. —Ed.

Iran

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6. Treaty of Alliance between the United Kingdom and the Soviet Union and Iran—January 29, 1942 100-104
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7. Declaration of the Three Powers Regarding Iran —December 1, 1943 104-105
The Department of State Bulletin, Vol. IX, No. 233 (December 11, 1943), Washington, p. 409.

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THE ROYAL PROCLAMATION

OF

AUGUST 5, 1906

TO THE RIGHT HONOURABLE HIS EXCELLENCY THE PRIME MINISTER

WHEREAS God Most High (glorious is His State!) hath entrusted to Our hands the direction of the progress and prosperity of the well-protected realms of Persia,[1] and hath constituted Our Royal Personage the Guardian of the Rights of all the people of Persia and of all our loyal subjects—

THEREFORE on this occasion, our Royal and Imperial judgement has decided, for the peace and tranquillity of all the people of Persia, and for the strengthening and consolidation of the foundations of the State, that such reforms as are this day required in the different departments of the State and of the Empire shall be effected; and we do enact that an Assembly of delegates elected by the Princes, the Doctors of Divinity *(ʻulamá)*, the Qájár family, the nobles and notables, the landowners, the merchants and the guilds shall be formed and constituted, by election of the classes above mentioned, in the capital Tihrán; which Assembly shall carry out the requisite deliberations and investigations on all necessary subjects connected with important affairs of the State and Empire and the public interests; and shall render the necessary help and assistance to our Cabinet of Ministers in such reforms as are designed to promote the happiness and well-being of Persia; and shall, with complete confidence and security, through the instrumentality of the first Lord of the State, submit [their proposals to Us], so that these, having been duly ratified by Us, may be carried into effect. It is evident that, in accordance with this August Rescript, you will arrange and prepare a code of regulations and provisions governing this Assembly, and likewise the ways and means necessary to its formation, so that, by the help of God Most High this Assembly may be inaugurated and may take in hand the necessary reforms.

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[1] In modern times the Persians have generally called themselves "Irani," and their country "Iran," derived from the ancient "Aryana" signifying "the country of the Aryans." In 1935 the Government of Persia requested other Governments to discontinue the use of "Persia" and "Persian," and to use instead "Iran" and "Iranian" in addressing the Government of that country and its legations in other countries, beginning with the Persian New Year, March 22, 1935. See Press Release, Department of State, Washington, D. C., March 22, 1935.—ED.

We likewise enact that you should publish and proclaim the text of this August Rescript, so that all the people of Persia, being duly informed of our good intentions, all of which regard the progress of the Government and People of Persia, may, with tranquil minds, engage in prayer for Us.

THE FUNDAMENTAL LAWS

OF

DECEMBER 30, 1906

ON THE CONSTITUTION OF THE ASSEMBLY

Art. 1. The National Consultative Assembly is founded and established in conformity with the Farmán, founded on justice, dated the fourteenth of the Second Jumáda, A.H. 1324 (Aug. 5, 1906).

Art. 2. The National Consultative Assembly represents the whole of the people of Persia, who [thus] participate in the economic and political affairs of the country.

Art. 3. The National Consultative Assembly shall consist of the Members elected in Tihrán and the provinces, and shall be held in Tihrán.

Art. 4. The number of elected Members has been fixed, in accordance with the Electoral Law separately promulgated, at one hundred and sixty-two, but in case of necessity the number above mentioned may be increased to two hundred.

Art. 5. The Members shall be elected for two whole years. This period shall begin on the day when all the representatives from the provinces shall have arrived in Tihrán. On the conclusion of this period of two years, fresh representatives shall be elected, but the people shall have the option of re-electing any of their former representatives whom they wish and with whom they are satisfied.

Art. 6. The Members elected to represent Tihrán shall, so soon as they meet, have the right to constitute the Assembly, and to begin their discussions and deliberations. During the period preceding the arrival of the provincial delegates, their decisions shall depend for their validity and due execution on the majority [by which they are carried].

Art. 7. On the opening of the debates, at least two thirds of the Members of the Assembly shall be present, and, when the vote is taken, at least three quarters. A majority shall be obtained only when more than half of those present in the Assembly record their votes.

Art. 8. The periods of session and recess of the National Consultative Assembly shall be determined by the Assembly itself, in accordance with such internal regulations as itself shall formulate. After the summer recess, the Assembly must continue open and in session from the fourteenth day of the Balance, which corresponds with the festival of the opening of the First Assembly.

Art. 9. The National Consultative Assembly can sit on occasions of extraordinary public holidays.

Art. 10. On the opening of the Assembly, an Address shall be presented by it to His Imperial Majesty, and it shall afterwards have the honour of receiving an answer from the Royal and August quarter.

Art. 11. Members of the Assembly, on taking their seats, shall take and subscribe to the following form of oath:

(Form of the Oath)

"We the undersigned take God to witness, and swear on the Qur'án, that, so long as the rights of the Assembly and its Members are observed and respected, in conformity with these Regulations, we will, so far as possible, discharge, with the utmost truth, uprightness, diligence and endeavour, the duties confided to us; that we will act loyally and truthfully towards our just and honoured Sovereign, commit no treason in respect of either the foundations of the Throne or the Rights of the People, and will consider only the advantage and well-being of Persia."

Art. 12. No one, on any pretext or excuse, shall have any right, without the knowledge and approval of the National Consultative Assembly, to molest its Members. Even in case of the Members committing some crime or misdemeanour, and being arrested *flagrante delicto,* any punishment inflicted upon him must be with the cognizance of the Assembly.

Art. 13. The deliberations of the National Consultative Assembly, in order that effect may be given to their results, must be public. According to the Internal Regulations of the Assembly, journalists and spectators have the right to be present and listen, but not to speak. Newspapers may print and publish all the debates of the Assembly, provided they do not change or pervert their meaning, so that the public may be informed of the subjects of discussion and the detail of what takes place. Everyone, subject to his paying due regard to the public good, may discuss them in the public Press, so that no matter may be veiled or hidden from any person. Therefore all newspapers, provided that their contents be not injurious to any one of the fundamental principles of the Government or the Nation, are authorized and allowed to print and publish all matters advantageous to the public interest, such as the debates of the Assembly, and the opinions of the people on these debates. But if anyone, actuated by interested motives, shall print in the newspapers or in other publications anything contrary to what has been mentioned, or inspired by slander or calumny, he will render himself liable to cross-examination, judgement and punishment, according to law.

Art. 14. The National Consultative Assembly shall organize and arrange, in accordance with separate and distinct Regulations called 'the Internal Code of Rules,' its own affairs, such as the election of a President, Vice-presidents, Secretaries, and other officers, the arrangements of the debates and divisions, etc.

On the Duties of the Assembly and its Limitations and Rights

Art. 15. The National Consultative Assembly has the right in all questions to propose any measure which it regards as conducive to the well-being of the Government and the People, after due discussion and deliberation thereof in all sincerity and truth; and, having due regard to the majority of votes, to submit such measure, in complete confidence and security, after it has received the approval of the Senate, by means of the First Minister of the State, so that it may receive the Royal Approval and be duly carried out.

Art. 16. All laws necessary to strengthen the foundations of the State and Throne and to set in order the affairs of the Realm and the establishment of the Ministries, must be submitted for approval to the National Consultative Assembly.

Art. 17. The National Consultative Assembly shall, when occasion arises, bring forward such measures as shall be necessary for the creation, modification, completion or abrogation of any Law, and, subject to the approval of the Senate, shall submit it for the Royal Sanction, so that due effect may thereafter be given to it.

Art. 18. The regulation of all financial matters, the construction and regulation of the Budget, all changes in fiscal arrangements, the acceptance or rejection of all incidental and subordinate expenditure, as also the new Inspectorships [of Finance] which will be founded by the Government, shall be subject to the approval of the Assembly.

Art. 19. The Assembly has the right, after the Senate has given its approval, to demand from the Ministers of State that effect shall be given to the measures thus approved for the reform of the finances and the facilitation of co-operation between the different departments of the Government by division of the departments and provinces of Persia and their governments.

Art. 20. The Budget of each Ministry shall be concluded during the latter half of each year for the following year, and shall be ready fifteen days before the Festival of the Naw-rúz.[1]

Art. 21. Should it at any time be necessary to introduce, modify or abrogate any Fundamental Law regulating the [functions of the] Ministries, such change shall be made only with the approval of the Assembly, irrespective of whether the necessity for such action has been declared by the Assembly or enunciated by the responsible Ministers.

Art. 22. Any proposal to transfer or sell any portion of the [National] resources, or of the control exercised by the Government or the Throne, or to effect any change in the boundaries and frontiers of the Kingdom, shall be subject to the approval of the National Consultative Assembly.

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[1] The Nawrúz, or Persian New Year's Day, falls about March 21 in each year.

Art. 23. Without the approval of the National Council, no concession for the formation of any public Company of any sort shall, under any plea soever, be granted by the State.

Art. 24. The conclusion of treaties and covenants, the granting of commercial, industrial, agricultural and other concessions, irrespective of whether they be to Persian or foreign subjects, shall be subject to the approval of the National Consultative Assembly, with the exception of treaties which, for reasons of State and the public advantage, must be kept secret.

Art. 25. State loans, under whatever title, whether internal or external, must be contracted only with the cognizance and approval of the National Consultative Assembly.

Art. 26. The construction of railroads or *chaussées*, whether at the expense of the Government, or of any Company, whether Persian or foreign, depends on the approval of the National Consultative Assembly.

Art. 27. Wherever the Assembly observes any defect in the laws, or any neglect in giving effect to them, it shall notify the same to the Minister responsible for that department, who shall furnish all necessary explanations.

Art. 28. Should any Minister, acting under misapprehension, issue on the Royal Authority, whether in writing or by word of mouth, orders conflicting with one of the laws which have been enacted and have received the Royal Sanction, and shall admit his negligence and lack of attention, he shall, according to the Law, be personally responsible to His Imperial and Most Sacred Majesty.

Art. 29. Should a Minister fail to give a satisfactory account of any affair conformably to the laws which have received the Royal Sanction, and should it appear in his case that a violation of such law has been committed, or that he has transgressed the limits imposed [on him], the Assembly shall demand his dismissal from the Royal Presence, and should his treason be clearly established in the Court of Cassation, he shall not again be employed in the service of the State.

Art. 30. The Assembly shall, at any time when it considers it necessary, have the right to make direct representations to the Royal

Presence by means of a Committee consisting of the President and six of its Members chosen by the Six Classes. This Committee must ask permission for, and the appointment of a time for approaching the Royal Presence through the Master of the Ceremonies *(Wazír-i-Darbár)*.

Art. 31. Ministers have the right to be present at the Sessions of the National Consultative Assembly, to sit in the places appointed for them, and to listen to the debates of the Assembly. If they consider it necessary, they may ask the President of the Assembly for permission to speak, and may give such explanations as may be necessary for purposes of discussion and investigation.

On the Representation of Affairs to the National Consultative Assembly

Art. 32. Any individual may submit in writing to the Petition Department of the Archives of the Assembly a statement of his own case, or of any criticisms or complaints. If the matter concerns the Assembly itself, it will give him a satisfactory answer; but if it concerns one of the Ministries, it will refer it to that Ministry, which will enquire into the matter and return a sufficient answer.

Art. 33. New laws which are needed shall be drafted and revised in the Ministries which are respectively responsible, and shall then be laid before the Assembly by the responsible Ministers, or by the Prime Minister. After being approved by the Assembly, and ratified by the Royal Signature, they shall be duly put into force.

Art. 34. The President of the Assembly can, in case of necessity, either personally, or on the demand of ten Members of the Assembly, hold a private conference, comprised of a selected number of Members of the Assembly, with any Minister, from which private meeting newspaper correspondents and spectators shall be excluded, and at which other Members of the Assembly shall not have the right to be present. The result of the deliberations of such secret conference shall, however, only be confirmed when it has been deliberated in the said conference in presence of three quarters of those selected [to serve on it] and carried by a majority of votes. Should the proposition [in question] not be accepted in the private conference, it shall not be brought forward in the Assembly, but shall be passed over in silence.

Art. 35. If such private conference shall have been held at the demand of the President of the Assembly, he has the right to inform the public of so much of the deliberations as he shall deem expedient; but if the private conference has been held at the demand of a Minister, the disclosure of the deliberations depends on the permission of that Minister.

Art. 36. Any Minister can withdraw any matter which he has proposed to the Assembly at any point in the discussion, unless his statement has been made at the instance of the Assembly, in which case the withdrawal of the matter depends on the consent of the Assembly.

Art. 37. If a measure introduced by any Minister is not accepted by the Assembly, it shall be returned supplemented by the observations of the Assembly; and the responsible Minister, after rejecting or accepting the criticisms of the Assembly, can propose the aforesaid measure a second time to the Assembly.

Art. 38. The Members of the National Consultative Assembly must clearly and plainly signify their rejection or acceptance of measures, and no one has the right to persuade or threaten them in recording their votes. The signification by the Members of the Assembly of such rejection or acceptance must be effected in such manner that newspaper correspondents and spectators also may perceive it, that is to say their intention must be signified by some outward sign, such as [the employment of] blue and white voting-papers, or the like.

The Proposal of Measures on the Part of the Assembly

Art. 39. Whenever any measure is proposed on the part of one of the Members of the Assembly, it can only be discussed when at least fifteen Members of the Assembly shall approve the discussion of that measure. In such case the proposal in question shall be forwarded in writing to the President of the Assembly, who has the right to arrange that it shall be subjected to a preliminary investigation in a Committee of Enquiry.

Art. 40. On the occasion of the discussion and investigation of the measure mentioned in Art. 39, whether in the Assembly or in the Committee of Enquiry, notice shall be given by the Assembly to the responsible Minister, if any, concerned in the measure, that if possible he himself, or, if not, his Assistant Minister, shall be present in the Assembly, so that the debate may take place in the presence of one or other of them.

The draft of the [proposed] measure, with its additions, must be sent from ten days to a month before the time (with the exception of matters added at the last moment) to the responsible Minister; and so likewise the day of its discussion must be determined beforehand. After the measure has been discussed in the presence of the responsible Minister, and in case it should, by a majority of votes, receive the approval of the Assembly, it shall be officially transmitted in writing to the responsible Minister, so that he may take the necessary steps [to put it in force].

Art. 41. If the responsible Minister cannot, for any reason, agree with the Assembly about a measure proposed by it, he must offer his excuses to it and give it satisfaction.

Art. 42. Should the National Consultative Assembly demand explanations on any matter from the responsible Minister, the Minister in question must give an answer, which answer must not be postponed unnecessarily or without plausible reason, save in the case of secret measures, the secrecy of which for some definite period is to the advantage of the State and the People. In such cases, on the lapse of the definite period the responsible Minister is bound to disclose this measure in the Assembly.

On the Conditions Regulating the Formation of the Senate

Art. 43. There shall be constituted another Assembly, entitled the Senate, consisting of sixty Members, the sessions of which, after its constitution, shall be complementary to the sessions of the National Consultative Assembly.

Art. 44. The Regulations of the Senate must be approved by the National Consultative Assembly.

Art. 45. The Members of this Assembly shall be chosen from amongst the well-informed, discerning, pious and respected persons of the Realm. Thirty of them shall be nominated on the part of His Imperial Majesty (fifteen of the people of Tihrán, and fifteen of the people of the Provinces), and thirty by the Nation (fifteen elected by the people of Tihrán, and fifteen by the people of the Provinces).

Art. 46. After the constitution of the Senate, all proposals must be approved by both Assemblies. If those proposals shall have been originated in the Senate, or by the Cabinet of Ministers, they must first be amended and corrected in the Senate and accepted by a majority of votes, and must then be approved by the National Consultative Assembly. But proposals brought forward by the National Consultative Assembly must, on the contrary, go from this Assembly to the Senate, except in the case of financial matters, which belong exclusively to the National Consultative Assembly. The decision of the Assembly, in respect to the above-mentioned proposals, shall be made known to the Senate, so that it in turn may communicate its observations to the National Assembly, but the latter, after due discussion, is free to accept or reject these observations of the Senate.

Art. 47. So long as the Senate has not been convoked, proposals shall, after being approved by the National Consultative Assembly, receive the Royal assent, and shall then have the force of Law.

Art. 48. If any proposal, after undergoing criticism and revision in the Senate, be referred by a Minister to the National Consultative Assembly, and be not accepted, such disputed proposal shall, in case of its being of importance, be reconsidered by a third Assembly composed of Members of the Senate and Members of the National Consultative Assembly elected in equal moieties by Members of the two Assemblies. The decision of this [third] Assembly shall be read out in the National Council. If it be then accepted, well and good. If not, a full account of the matter shall be submitted to the Royal Presence, and should the Royal judgement support the view of the National Consultative Assembly, it shall become effective; but if not, orders will be issued for a fresh discussion and investigation. If again no agreement of opinion results, and the Senate, by a majority of two thirds, approves the dissolution of the National Consultative Assembly, this approval being separately affirmed by the Cabinet of Ministers, then the Imperial Command will be issued for the dissolution of the National Consultative Assembly, and at the same time orders shall be given for the holding of fresh elections, the people, however, having the right to reelect their former representatives.

Art. 49. The new representatives of Tihrán must present themselves within the space of one month, and the representatives of the provinces within the space of three months. When the representatives of the Capital are present, the Assembly shall be opened, and shall begin its labours, but they shall not discuss disputed proposals until the provincial representatives shall arrive. If, after the arrival of all its Members, the new Assembly shall by a clear majority confirm the first decision, His Most Sacred and Imperial Majesty shall approve that decision of the National Consultative Assembly, and shall order it to be carried into effect.

Art. 50. In each electoral period, which consists of two years, orders for the renewal of representatives shall not be given more than once.

Art. 51. It is agreed that the kings of our successors and posterity shall regard as a duty of their sovereign state and an obligation incumbent upon them the maintenance of these laws and principles, which we have established and put into force for the strengthening of the edifice of the State, the consolidation of the foundations of the Throne, the superintendence of the machinery of Justice, and the tranquillity of the Nation.

THE SUPPLEMENTARY FUNDAMENTAL LAWS

OF

OCTOBER 7, 1907

(AS AMENDED DECEMBER 12, 1925)

GENERAL DISPOSITIONS

Art. 1. The official religion of Persia is Islám, according to the orthodox Ja'farí doctrine of the *Ithna 'Ashariyya* (Church of the Twelve Imáms), which faith[1] the Sháh of Persia must profess and promote.

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[1] The Shi'ite form of Islám includes the "Church of the Twelve" *(Ithná 'ashariyya)* and the "Church of the Seven" *(Sab'iyya)*. Both agree as to the sequence of their Imáms down to the sixth, Ja'far as-Sádiq (from whom the epithet "*Ja'farí*" is derived), but diverge from this point. Both are regarded as heterodox by the Sunnis, but the "Church of the Twelve" is orthodox in Persia.

Art. 2. At no time must any legal enactment of the Sacred National Consultative Assembly, established by the favour and assistance of His Holiness the Imám of the Age (may God hasten his glad Advent!),[1] the favour of His Majesty the Sháhinsháh of Islám (may God immortalize his reign!), the care of the Proofs of Islám[2] (may God multiply the like of them!), and the whole people of the Persian nation, be at variance with the sacred rules of Islám or the laws established by His Holiness the Best of Mankind[3] (on whom and on whose household be the Blessings of God and His Peace!).

It is hereby declared that it is for the learned doctors of theology (the *'ulamá*)—may God prolong the blessing of their existence!—to determine whether such laws as may be proposed are or are not conformable to the rules of Islám; and it is therefore officially enacted that there shall at all times exist a committee composed of not less than five *mujtahids* or other devout theologians, cognizant also of the requirements of the age, [which committee shall be elected] in this manner. The *'ulamá* and Proofs of Islám shall present to the National Consultative Assembly the names of Twenty of the *'ulamá* possessing the attributes mentioned above; and the Members of the National Consultative Assembly shall, either by unanimous acclamation, or by vote, designate five or more of these, according to the exigencies of the time, and recognize these as Members, so that they may carefully discuss and consider all matters proposed in the Assembly, and reject and repudiate, wholly or in part, any such proposal which is at variance with the Sacred Laws of Islám, so that it shall not obtain the title of legality. In such matters the decision of this ecclesiastical committee shall be followed and obeyed, and his article shall continue unchanged until the appearance of His Holiness the Proof of the Age (may God hasten his glad Advent!).[4]

Art. 3. The frontiers, provinces, departments and districts of the Persian Empire cannot be altered save in accordance with the Law.

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[1] I.e., the Twelfth Imám, or Imám Mahdí, who is believed to have disappeared in the year A.H. 260 (A.D. 873-74) and who is expected to return at the end of time, "to fill the earth with justice after it has been filled with iniquity."

[2] I.e., the *'ulamá*, or doctors of theology, especially the *Mujtahids*.

[3] I.e., the Prophet Muhammad.

[4] I.e., until the *Imám Mahdí* shall return and establish the reign of perfect Justice.

Art. 4. The capital of Persia is Tihrán.

Art. 5. The official colours of the Persian flag are green, white and red, with the emblem of the Lion and the Sun.

Art. 6. The lives and property of foreign subjects residing on Persian soil are guaranteed and protected, save in such contingencies as the laws of the land shall except.

Art. 7. The principles of the Constitution cannot be suspended either wholly or in part.

Rights of the Persian Nation

Art. 8. The people of the Persian Empire are to enjoy equal rights before the Law.

Art. 9. All individuals are protected and safeguarded in respect to their lives, property, homes, and honour, from every kind of interference, and none shall molest them save in such case and in such way as the laws of the land shall determine.

Art. 10. No one can be summarily arrested, save *flagrante delicto* in the commission of some crime or misdemeanour, except on the written authority of the President of the Tribunal of Justice, given in conformity with the Law. Even in such case the accused must immediately, or at latest in the course of the next twenty-four hours, be informed and notified of the nature of his offence.

Art. 11. No one can be forcibly removed from the tribunal which is entitled to give judgement on his case to another tribunal.

Art. 12. No punishment can be decreed or executed save in conformity with the Law.

Art. 13. Every person's house and dwelling is protected and safeguarded, and no dwelling-place may be entered save in such case and in such way as the Law has decreed.

Art. 14. No Persian can be exiled from the country, or prevented from residing in any part thereof, or compelled to reside in any specified part thereof, save in such cases as the Law may explicitly determine.

Art. 15. No property shall be removed from the control of its owner save by legal sanction, and then only after its fair value has been determined and paid.

Art. 16. The confiscation of the property or possessions of any person under the title of punishment or retribution is forbidden, save in conformity with the Law.

Art. 17. To deprive owners or possessors of the properties or possessions controlled by them on any pretext whatever is forbidden, save in conformity with the Law.

Art. 18. The acquisition and study of all sciences, arts and crafts is free, save in the case of such as may be forbidden by the ecclesiastical law.

Art. 19. The foundation of schools at the expense of the government and the nation, and compulsory instruction, must be regulated by the Ministry of Sciences and Arts, and all schools and colleges must be under the supreme control and supervision of that Ministry.

Art. 20. All publications, except heretical books and matters hurtful to the perspicuous religion [of Islám] are free, and are exempt from the censorship. If, however, anything should be discovered in them contrary to the Press law, the publisher or writer is liable to punishment according to that law. If the writer be known, and be resident in Persia, then the publisher, printer and distributor shall not be liable to prosecution.

Art. 21. Societes *(anjumans)* and associations *(ijtimáʿát)* which are not productive of mischief to Religion or the State, and are not injurious to good order, are free throughout the whole Empire, but members of such associations must not carry arms, and must obey the regulations laid down by the Law on this matter. Assemblies in the public thoroughfares and open spaces must likewise obey the police regulations.

Art. 22. Correspondence passing through the post is safeguarded and exempt from seizure or examination, save in such exceptional cases as the Law lays down.

Art. 23. It is forbidden to disclose or detain telegraphic correspondence without the express permission of the owner, save in such cases as the Law lays down.

Art. 24. Foreign subjects may become naturalized as Persian subjects, but their acceptance or continuance as such, or their deprivation of this status, is in accordance with a separate law.

Art. 25. No special authorization is required to proceed against government officials in respect of shortcomings connected with the discharge of their public functions, save in the case of Ministers, in whose case the special laws on this subject must be observed.

POWERS OF THE REALM

Art. 26. The powers of the realm are all derived from the people; and the Fundamental Law regulates the employment of those powers.

Art. 27. The powers of the realm are divided into three categories.

First, the legislative power, which is specially concerned with the making or amelioration of laws. This power is derived from His Imperial Majesty, the National Consultative Assembly, and the Senate, of which three sources each has the right to introduce laws, provided that the continuance thereof be dependent on their not being at variance with the standards of the ecclesiastical law, and on its approval by the Members of the two Assemblies, and the Royal ratification. The enacting and approval of laws connected with the revenue and expenditure of the kingdom are, however, specially assigned to the National Consultative Assembly. The explanation and interpretation of the laws are, moreover, amongst the special functions of the above-mentioned Assembly.

Second, the judicial power, by which is meant the determining of rights. This power belongs exclusively to the ecclesiastical tribunals in matters connected with the ecclesiastical law, and to the civil tribunals in matters connected with ordinary law.

Third, the executive power, which appertains to the King, that is to say, the laws and ordinances are carried out by the Ministers and State officials in the august name of His Imperial Majesty in such manner as the Law defines.

Art. 28. The three powers above mentioned shall ever remain distinct and separate from one another.

Art. 29. The special interests of each province, department and district shall be arranged and regulated, in accordance with special laws on this subject, by provincial and departmental councils *(anjumans).*

RIGHTS OF MEMBERS OF THE ASSEMBLY

Art. 30. The deputies of the National Consultative Assembly and of the Senate represent the whole nation, and not only the particular classes, provinces, departments or districts which have elected them.

Art. 31. One person cannot at one and the same time enjoy membership of both Assemblies.

Art. 32. As soon as any deputy accepts any lucrative employment in the service of one of the departments of the government, he ceases to be a member of the Assembly, and his re-acceptance as a member of the Assembly depends on his resigning such government appointment, and being re-elected by the people.

Art. 33. Each of the two Assemblies has the right to investigate and examine every affair of state.

Art. 34. The deliberations of the Senate are ineffective when the National Consultative Assembly is not in session.

Rights of the Persian Throne

Art. 35. The sovereignty is a trust confided (as a Divine gift) by the people to the person of the King.

Art. 36. (as amended December 12, 1925) The Constitutional Monarchy of Persia is vested by the Constituent Assembly in His Imperial Majesty Reza Shah Pahlavi and his male descendants in succession.

Art. 37. (as amended December 12, 1925) The eldest son, if born of a Persian mother, shall be the Heir Apparent to the Throne. In the event of the Shah having no son, the Heir to the Throne shall be designated by His Imperial Majesty, subject to the approval of the Majlis. No member of the Kajar family can, however, be so designated.

Art. 38. (as amended December 12, 1925) In the event of the Throne becoming vacant, the Crown Prince cannot govern in person until he has reached the age of 20. If he has not reached that age, a Regent, who shall in no circumstances be a member of the Kajar family, shall be appointed by the Majlis.

Art. 39. No King can ascend the Throne unless, before his coronation, he appear before the National Consultative Assembly, in presence of the Members of this Assembly and of the Senate, and of the Cabinet of Ministers, and repeat the following oath:

"I take to witness the Almighty and Most High God, on the glorious Word of God, and by all that is most honoured in God's sight, and do hereby swear that I will exert all my efforts to preserve the independence of Persia, safeguard and protect the frontiers of my Kingdom and the rights of my People, observe the Fundamental Laws of the Persian Constitution, rule in accordance with the established laws of Sovereignty, endeavour to promote the Ja'farí doctrine of the Church of the Twelve Imáms, and will in all my deeds and actions consider God Most Glorious as present and watching me. I further ask aid from God, from Whom alone aid is derived, and seek help from the holy spirits of the Saints of Islám to render service to the advancement of Persia."

Art. 40. So in like manner no one who is chosen as Regent can enter upon his functions unless and until he repeats the above oath.

Art. 41. In the event of the King's decease, the National Consultative Assembly and the Senate must of necessity meet, and such meeting must not be postponed later than ten days after the date of the King's decease.

Art. 42. If the mandate of the deputies of either or both of the Assemblies shall have expired during the period of the late King's life, and the new deputies shall not yet have been elected at the time of his decease, the deputies of the late Parliament shall reassemble, and the two Assemblies shall be reconstituted.

Art. 43. The King cannot, without the consent and approval of the National Consultative Assembly and the Senate, undertake the government of any other kingdom.

Art. 44. The person of the King is exempted from responsibility. The Ministers of State are responsible to both Chambers in all matters.

Art. 45. The decrees and rescripts of the King relating to affairs of State can only be carried out when they are countersigned by the responsible Minister, who is also responsible for the authenticity of such decree or rescript.

Art. 46. The appointment and dismissal of Ministers is effected by virtue of the Royal Decree of the King.

Art. 47. The granting of military rank, decorations and other honorary distinctions shall be effected with due regard to the special law referring to the person of the King.

Art. 48. The choice of officials as heads of the various government departments, whether internal or foreign, subject to the approval of the responsible Minister, is the King's right, save in such cases as are specifically excepted by the Law; but the appointment of other officials does not lie with the King, save in such cases as are explicitly provided for by the Law.

Art. 49. The issue of decrees and orders for giving effect to the laws is the King's right, provided that under no circumstances shall he postpone or suspend the carrying out of such laws.

Art. 50. The supreme command of all the forces, military and naval, is vested in the person of the King.

Art. 51. The declaration of war and the conclusion of peace are vested in the King.

Art. 52. The treaties which, conformably to article 24 of the Fundamental Law promulgated on Dhu'l-Qa'da 14, A.H. 1324 (December 30, 1906), must remain secret, shall be communicated by the King, with the necessary explanations, to the National Consultative Assembly and the Senate after the disappearance of the reasons which necessitated such secrecy, as soon as the public interests and security shall require it.

Art. 53. The secret clauses of a treaty cannot in any case annul the public clauses of the same.

Art. 54. The King can convoke in extraordinary session the National Consultative Assembly and the Senate.

Art. 55. The minting of coin, subject to conformity with the Law, is in the name of the King.

Art. 56. The expenses and disbursements of the Court shall be determined by law.

Art. 57. The Royal prerogatives and powers are only those explicitly mentioned in the present Constitutional Law.

Concerning the Ministers

Art. 58. No one can attain the rank of Minister unless he be a Musulmán by religion, a Persian by birth, and a Persian subject.

Art. 59. Princes in the first degree, that is to say the sons, brothers and paternal uncles of the reigning King, cannot be chosen as Ministers.

Art. 60. Ministers are responsible to the two Chambers, and must, in case of their presence being required by either Chamber, appear before it, and must observe the limitations of their responsibility in all such matters as are committed to their charge.

Art. 61. Ministers, besides being individually responsible for the affairs specially appertaining to their own Ministry, are also collectively responsible to the two Chambers for one another's actions in affairs of a more general character.

Art. 62. The number of Ministers shall be defined by law, according to the requirements of the time.

Art. 63. The honorary title of Minister is entirely abolished.

Art. 64. Ministers cannot divest themselves of their responsibility by pleading verbal or written orders from the King.

Art. 65. The National Consultative Assembly, or the Senate, can call Ministers to account or bring them to trial.

Art. 66. The Law shall determine the responsibility of Ministers and the punishments to which they are liable.

Art. 67. If the National Consultative Assembly or the Senate shall, by an absolute majority, declare itself dissatisfied with the Cabinet, or with one particular Minister, that Cabinet or Minister shall resign their or his ministerial functions.

Art. 68. Ministers may not accept a salaried office other than their own.

Art. 69. The National Consultative Assembly or the Senate shall declare the delinquencies of Ministers in the presence of the Court of Cassation, and the said Court, all the members of the tribunals comprised in it being present, will pronounce judgement, save in cases when the accusation and prosecution refer to the Minister in his private capacity, and are outside the scope of the functions of government entrusted to him in his ministerial capacity.

(N.B. So long as the Court of Cassation is not established, a Commission chosen from the Members of the two Chambers in equal moieties shall discharge the function of that Court.)

Art. 70. The determination of the delinquencies of Ministers, and of the punishments to which they are liable, in case they incur the suspicion of the National Consultative Assembly or of the Senate, or expose themselves to personal accusations on the part of their opponents in the affairs of their department, will be regulated by a special law.

Powers of the Tribunals of Justice

Art. 71. The Supreme Ministry of Justice and the judicial tribunals are the places officially destined for the redress of public grievances, while judgement in all matters falling within the scope of the Ecclesiastical Law is vested in just *mujtahids* possessing the necessary qualifications.

Art. 72. Disputes connected with political rights belong to the judicial tribunals, save in such cases as the Law shall except.

Art. 73. The establishment of civil tribunals depends on the authority of the Law, and no one, on any title or pretext, may establish any tribunal contrary to its provisions.

Art. 74. No tribunal can be constituted save by the authority of the Law.

Art. 75. In the whole Kingdom there shall be only one Court of Cassation for civil cases, and that in the capital; and this Court shall not deal with any case of first instance, except in cases in which Ministers are concerned.

Art. 76. All proceedings of tribunals shall be public, save in cases where such publicity would be injurious to public order or contrary to public morality. In such cases, the tribunal must declare the necessity of sitting *clausis foribus*.

Art. 77. In cases of political or press offences, where it is desirable that the proceedings should be private, this must be agreed to by all the members of the tribunal.

Art. 78. The decisions and sentences emanating from the tribunals must be reasoned and supported by proof, and must contain the articles of the Law in accordance with which judgement has been given, and they must be read publicly.

Art. 79. In cases of political and press offences, a jury must be present in the tribunals.

Art. 80. The presidents and members of the judicial tribunals shall be chosen in such manner as the laws of justice determine, and shall be appointed by Royal Decree.

Art. 81. No judge of a judicial tribunal can be temporarily or permanently transferred from his office unless he be brought to judgement and his offence be proved, save in the case of his voluntary resignation.

Art. 82. The functions of a judge of a judicial tribunal cannot be changed save by his own consent.

Art. 83. The appointment of the Public Prosecutor is within the competence of the King, supported by the approval of the ecclesiastical judge.

Art. 84. The appointment of the members of the judicial tribunals shall be determined in accordance with the Law.

Art. 85. The presidents of the judicial tribunals cannot accept salaried posts under government, unless they undertake such service without recompense, always provided that [in this case also] there be no contravention of the Law.

Art. 86. In every provincial capital there shall be established a Court of Appeal for dealing with judicial matters in such wise as is explicitly set forth in the laws concerning the administration of justice.

Art. 87. Military tribunals shall be established throughout the whole Kingdom according to special laws.

Art. 88. Arbitration in cases of dispute as to the limitations of the functions and duties of the different departments of government shall, agreeably to the provisions of the Law, be referred to the Court of Cassation.

Art. 89. The Court of Cassation and other tribunals will only give effect to public, provincial, departmental and municipal orders and bye-laws when these are in conformity with the Law.

Provincial and Departmental Councils *(Anjumans)*

Art. 90. Throughout the whole empire provincial and departmental councils *(anjumans)* shall be established in accordance with special regulations. The fundamental laws regulating such assemblies are as follows.

Art. 91. The members of the provincial and departmental councils shall be elected immediately by the people, according to the regulations governing provincial and departmental councils.

Art. 92. The provincial and departmental councils are free to exercise complete supervision over all reforms connected with the public advantage, always provided that they observe the limitations prescribed by the Law.

Art. 93. An account of the expenditure and income of every kind of the provinces and departments shall be printed and published by the instrumentality of the provincial and departmental councils.

CONCERNING THE FINANCES

Art. 94. No tax shall be established save in accordance with the Law.

Art. 95. The Law will specify the cases in which exemption from the payment of taxes can be claimed.

Art. 96. The National Consultative Assembly shall each year by a majority of votes fix and approve the Budget.

Art. 97. In the matter of taxes there shall be no distinction or difference amongst the individuals who compose the nation.

Art. 98. Reduction of or exemption from taxes is regulated by a special law.

Art. 99. Save in such cases as are explicitly excepted by Law, nothing can on any pretext be demanded from the people save under the categories of state, provincial, departmental and municipal taxes.

Art. 100. No order for the payment of any allowance or gratuity can be made on the Treasury save in accordance with the Law.

Art. 101. The National Consultative Assembly shall appoint the members of the Financial Commission for such period as may be determined by the Law.

Art. 102. The Financial Commission is appointed to inspect and analyse the accounts of the Department of Finance and to liquidate the accounts of all debtors and creditors of the Treasury. It is especially deputed to see that no item of expenditure fixed in the Budget exceeds the amount specified, or is changed or altered, and that each item is expended in the proper manner. It shall likewise inspect and analyse the different accounts of all the departments of State, collect the documentary proofs of the expenditure indicated in such accounts, and submit to the National Consultative Assembly a complete statement of the accounts of the Kingdom, accompanied by its own observations.

Art. 103. The institution and organization of this commission shall be in accordance with the Law.

THE ARMY

Art. 104. The Law determines the manner of recruiting the troops, and the duties and rights of the military, as well as their promotion, are regulated by the Law.

Art. 105. The military expenditure shall be approved every year by the National Consultative Assembly.

Art. 106. No foreign troops may be employed in the service of the State, nor may they remain in or pass through any part of the Kingdom save in accordance with the Law.

Art. 107. The military cannot be deprived of their rights, ranks or functions save in accordance with the Law.

ELECTORAL LAW

No electoral law for Iran appears in this volume because of the developments outlined below:

After the electoral laws of September 8, 1906, and of August 1, 1909, proved unsatisfactory, a new law was adopted October 22, 1911. The electoral law of October 3, 1934, revising the law of 1911, is in fact the same law with changes made on September 4, 1925, under the name of "reforms."

On September 6, 1944, the Mejlis appointed a committee of twelve, with Dr. Abdoh as its rapporteur, to prepare a new electoral law. In March, 1945, a bill containing 76 articles was submitted by this committee to the Mejlis for discussion. No such discussion has yet taken place, but it is confidently expected that this latest version of the electoral law will soon come up for consideration.—Ed.

TREATY OF FRIENDSHIP BETWEEN PERSIA AND THE RUSSIAN SOCIALIST FEDERAL SOVIET REPUBLIC

Moscow, February 26, 1921

Also Exchange of Notes between Persia and Russia Relative to Articles III, V, VI, XIII and XX of the Treaty of Friendship between the Two Countries Signed at Moscow February 26, 1921

Tehran, December 12, 1921

The Persian Government, of the one part, and the Russian Socialist Federal Soviet Republic, of the other part, desiring to establish relations of friendship and fraternity between the two nations, have decided to engage in negotiations for this purpose, and have therefore appointed the following Plenipotentiaries. . . .

Who, after the verification of their respective powers, have agreed as follows:—

I. In order to confirm its declarations regarding Russian policy towards the Persian nation, which formed the subject of correspondence on the 14th January, 1918, and the 26th June, 1919, the Russian Socialist Federal Soviet Republic formally affirms once again that it definitely renounces the tyrannical policy carried out by the colonising Governments of Russia which have been overthrown by the will of the workers and peasants of Russia.

Inspired by this principle, and desiring that the Persian people should be happy and independent and should be able to dispose freely of its patrimony, the Russian Republic declares the whole body of treaties and conventions concluded with Persia by the Tsarist Government, which crushed the rights of the Persian people, to be null and void.

II. The R.S.F.S.R. expresses its reprobation of the policy of the Tsarist Governments of Russia, which, on the pretext of ensuring the independence of the peoples of Asia, concluded, without the consent of the latter, treaties with European Powers, the sole object of which was to subjugate those peoples.

This criminal policy, which infringed upon the independence of the countries of Asia and which made the living nations of the East a prey to the cupidity and the tyranny of European robbers, is abandoned unconditionally by Federal Russia.

Federal Russia, therefore, in accordance with the principles laid down in Articles I and IV of this Treaty, declares its refusal to participate in any action which might destroy or weaken Persian sovereignty. It regards as null and void the whole body of treaties and conventions concluded by the former Russian Government with third parties in respect of Persia or to the detriment of that country.

III. The two Contracting Powers agree to accept and respect the Russo-Persian frontiers, as drawn by the Frontier Commission[1] in 1881.

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[1] *For* Commission *read* Treaty. See Exchange of Notes of December 12, 1921, pp. 98-100.

At the same time, in view of the repugnance which the Russian Federal Government feels to enjoying the fruit of the policy of usurpation of the Tsarist Government, it renounces all claim to the Achouradeh Islands and to the other islands on the Astrabad Littoral, and restores to Persia the village of Firouzeh and the adjacent land ceded to Russia in virtue of the Convention of the 28th May, 1893.

The Persian Government agrees for its part that the Russian Sarakhs, or "old" Sarakhs, and the land adjacent to the Sarakhs River, shall be retained by Russia.

The two High Contracting Parties shall have equal rights of usage over the Atrak River and the other frontier rivers and waterways. In order finally to solve the question of the waterways and all disputes concerning frontiers or territories, a Commission, composed of Russian and Persian representatives, shall be appointed.

IV. In consideration of the fact that each nation has the right to determine freely its political destiny, each of the two Contracting Parties formally expresses its desire to abstain from any intervention in the internal affairs of the other.

V.[1] The two High Contracting Parties undertake—

1. To prohibit the formation or presence within their respective territories of any organisations or groups of persons, irrespective of the name by which they are known, whose object is to engage in acts of hostility against Persia or Russia, or against the allies of Russia.

They will likewise prohibit the formation of troops or armies within their respective territories with the afore-mentioned object.

2. Not to allow a third party or any organisation, whatever it be called, which is hostile to the other Contracting Party, to import or to convey in transit across their countries material which can be used against the other Party.

3. To prevent by all means in their power the presence within their territories or within the territories of their allies of all armies or forces of a third party in cases in which the presence of such forces would be regarded as a menace to the frontiers, interests or safety of the other Contracting Party.

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[1] For the interpretation of Articles V and VI, see Exchange of Notes of December 12, 1921, pp. 98-100.

VI.[1] If a third party should attempt to carry out a policy of usurpation by means of armed intervention in Persia, or if such Power should desire to use Persian territory as a base of operations against Russia, or if a foreign Power should threaten the frontiers of Federal Russia or those of its allies, and if the Persian Government should not be able to put a stop to such menace after having been once called upon to do so by Russia, Russia shall have the right to advance her troops into the Persian interior for the purpose of carrying out the military operations necessary for its defence. Russia undertakes, however, to withdraw her troops from Persian territory as soon as the danger has been removed.

VII. The considerations set forth in Article VI have equal weight in the matter of the security of the Caspian Sea. The two High Contracting Parties therefore have agreed that Federal Russia shall have the right to require the Persian Government to send away foreign subjects, in the event of their taking advantage of their engagement in the Persian navy to undertake hostile action against Russia.

VIII. Federal Russia finally renounces the economic policy pursued in the East by the Tsarist Government, which consisted in lending money to the Persian Government, not with a view to the economic development of the country, but rather for purposes of political subjugation.

Federal Russia accordingly renounces its rights in respect of the loans granted to Persia by the Tsarist Governments. It regards the debts due to it as void, and will not require their repayment. Russia likewise renounces its claims to the resources of Persia which were specified as security for the loans in question.

IX. In view of the declaration by which it has repudiated the colonial and capitalist policy which occasioned so many misfortunes and was the cause of so much bloodshed, Federal Russia abandons the continuation of the economic undertakings of the Tsarist Government, the object of which was the economic subjugation of Persia. Federal Russia therefore cedes to the Persian Government the full ownership of all funds and of all real and other property which the Russian Discount Bank possesses on Persian territory, and likewise transfers to it all the assets and liabilities of that bank. The Persian Government nevertheless agrees that in the towns where it has been decided that the Russian Socialist Republic may establish consulates, and where buildings exist belonging to the Discount Bank, one of these buildings, to be chosen by the Russian Government, shall be placed at the disposal of the Russian Consulate, free of charge.

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[1] For the interpretation of Articles V and VI, see Exchange of Notes of December 12, 1921, pp. 98-100.

X. The Russian Federal Government, having abandoned the colonial policy, which consisted in the construction of roads and telegraph lines more in order to obtain military influence in other countries than for the purpose of developing their civilisations, and being desirous of providing the Persian people with those means of communication indispensable for the independence and development of any nation, and also in order to compensate the Persian people as far as possible for the losses incurred by the sojourn in its territory of the Tsarist armies, cedes free of charge to the Persian Government the following Russian installations:—

(a) The high-roads from Enzeli to Tehran, and from Kazvin to Hamadan, and all land and installations in connection with these roads.

(b) The railroad Djoulfa-Tauris-Sofian-Urmia, with all installations, rolling-stock and accessories.

(c) The landing-stages, warehouses, steamships, canals, and all means of transport of the lake of Urmia.

(d) All telegraph and telephone lines established in Persia by the Tsarist Governments, with all movable and immovable installations and dependencies.

(e) The port of Enzeli and the warehouses, with the electrical installation, and other buildings.

XI. In view of the fact that the Treaty of Turkomantchai, concluded on the 10th February, 1828 (old style), between Persia and Russia, which forbids Persia, under the terms of Article 8, to have vessels in the waters of the Caspian Sea, is abrogated in accordance with the principles set forth in Article I of the present Treaty, the two High Contracting Parties shall enjoy equal rights of free navigation on that sea, under their own flags, as from the date of the signing of the present Treaty.

XII. The Russian Federal Government, having officially renounced all economic interests obtained by military preponderance, further declares that, apart from the concessions which form the subject of Articles IX and X, the other concessions obtained by force by the Tsarist Government and its subjects shall also be regarded as null and void.

In conformity with which the Russian Federal Government restores, as from the date of the signing of the present Treaty, to the Persian Government, as representing the Persian people, all the concessions in question, whether already being worked or not, together with all land taken over in virtue of those concessions.

Of the land and properties situated in Persia and belonging to the former Tsarist Government, only the premises of the Russian Legation at Tehran and at Zerguendeh with all movable and immovable appurtenances, as well as all real and other property of the Consulates and Vice-Consulates, shall be retained by Russia. Russia abandons, however, her right to administer the village of Zerguendeh, which was arrogated to itself by the former Tsarist Government.

XIII.[1] The Persian Government, for its part, promises not to cede to a third Power, or to its subjects, the concessions and property restored to Persia by virtue of the present Treaty, and to maintain those rights for the Persian nation.

XIV. The Persian Government, recognising the importance of the Caspian fisheries for the food supply of Russia, promises to conclude with the Food Service of the Russian Socialist Federal Soviet Republic immediately upon the expiry of the legal period of these existing engagements, a contract relating to the fisheries, containing appropriate clauses. Furthermore, the Persian Government promises to examine, in agreement with the Government of the Russian Socialist Federal Soviet Republic, the means of at once conveying the produce of the fisheries to the Food Service of Soviet Russia pending the conclusion of the above contract.

XV. In accordance with the principle of liberty of conscience proclaimed by Soviet Russia, and with a desire to put an end, in Moslem countries, to religious propaganda, the real object of which was to exercise political influence over the masses and thus to satisfy the rapacity of the Tsarist Government, the Government of Soviet Russia declares that the religious settlements established in Persia by the former Tsarist Governments are abolished. Soviet Russia will take steps to prevent such missions from being sent to Persia in the future.

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[1] See Exchange of Notes of December 12, 1921, pp. 98-100.

Soviet Russia cedes unconditionally to the nation represented by the Persian Government the lands, property and buildings belonging to the Orthodox Mission situated at Urmia, together with the other similar establishments. The Persian Government shall use these properties for the construction of schools and other institutions intended for educational purposes.

XVI. By virtue of the communication from Soviet Russia dated the 25th June, 1919, with reference to the abolition of Consular jurisdictions, it is decided that Russian subjects in Persia and Persian subjects in Russia shall, as from the date of the present Treaty, be placed upon the same footing as the inhabitants of the towns in which they reside; they shall be subject to the laws of their country of residence, and shall submit their complaints to the local Courts.

XVII. Persian subjects in Russia and Russian subjects in Persia shall be exempt from military service and from all military taxation.

XVIII. Persian subjects in Russia and Russian subjects in Persia shall, as regards travel within the respective countries, enjoy the rights granted to the most favoured nations other than countries allied to them.

XIX. Within a short period after the signature of the present Treaty, the two High Contracting Parties shall resume commercial relations. The methods to be adopted for the organisation of the import and export of goods, methods of payment, and the customs duties to be levied by the Persian Government on goods originating in Russia, shall be determined, under a Commercial Convention, by a special Commission consisting of representatives of the two High Contracting Parties.

XX.[1] Each of the two High Contracting Parties grants to the other the right of transit for the transport of goods passing through Persia or Russia and consigned to a third country.

The dues exacted in such cases shall not be higher than those levied on the goods of the most favoured nations other than countries allied to the Russian Socialist Federal Soviet Republic.

XXI. The two High Contracting Parties shall open telegraphic and postal relations between Russia and Persia within the shortest possible period after the signature of the present Treaty.

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[1] See Exchange of Notes of December 12, 1921, pp. 98-100.

The conditions of these relations shall be fixed by a postal and telegraphic Convention.

XXII. In order to consolidate the good relations between the two neighbouring Powers and to facilitate the realisation of the friendly intentions of each country towards the other, each of the High Contracting Parties shall, immediately after the signature of the present Treaty, be represented in the capital of the other by a Plenipotentiary Representative, who shall enjoy the rights of extraterritoriality and other privileges to which diplomatic representatives are entitled by international law and usage and by the regulations and customs of the two countries.

XXIII. In order to develop their mutual relations, the two High Contracting Parties shall establish Consulates in places to be determined by common agreement.

The rights and duties of the Consuls shall be fixed by a special Agreement to be concluded without delay after the signature of the persent Treaty. This Agreement shall conform to the provisions in force in the two countries with regard to consular establishments.

XXIV. This Treaty shall be ratified within a period of three months. The exchange of ratifications shall take place at Tehran as soon as possible.

XXV. The present Treaty is drawn up in Russian and Persian. Both texts shall be regarded as originals and both shall be authentic.

XXVI. The present Treaty shall come into force immediately upon signature.

EXCHANGE OF NOTES BETWEEN PERSIA AND RUSSIA RELATIVE TO ARTICLES III, V, VI, XIII AND XX OF THE TREATY OF FRIENDSHIP BETWEEN THE TWO COUNTRIES SIGNED AT MOSCOW, FEBRUARY 26, 1921

Tehran, December 12, 1921

(No. 1) The Persian Minister for Foreign Affairs to the Russian Diplomatic Representative at Tehran.

(No. 2654) Tehran, December 12, 1921.

Sir:

The Persian Government and the Mejlis have observed that Articles V and VI of the Treaty concluded between our two countries are worded vaguely: the Mejlis, moreover, desires that the retrocession of Russian concessions to the Persian Government should be made without reserve or condition, and that Article XX should be so worded as to allow the Persian Government full powers for the transit of imports and exports. Conversations have taken place with you on these questions, and you have given explanations with regard to Articles V and VI and promises concerning Articles XIII and XX, to the effect that if the Treaty were passed by the Mejlis you would give all the assistance in your power to ensure that the two Articles in question should be revised on the lines desired by the Mejlis and the Persian Government. The Persian Government and the Mejlis are most desirous that friendly relations should be re-established between our two Governments, and that the Treaty, which is based upon the most amicable sentiments, should be concluded as soon as possible.

I have, therefore, the honour to request you to give in writing your explanations with regard to the interpretation of Articles V and VI, and to repeat the promise of support which you have already given as regards the revision of Articles XIII and XX, in order that the Persian Government may be enabled to secure the passing of the Treaty by the Mejlis.

I also wish to ask you to take the necessary steps to repair the error which has been made in Article III, in which the word "Commission" was written instead of "Treaty," as the only Treaty which was concluded in 1881 was a frontier delimitation Treaty, and this is the Treaty referred to in Article III.

(No. 2) THE RUSSIAN DIPLOMATIC REPRESENTATIVE AT TEHRAN TO THE PERSIAN MINISTER FOR FOREIGN AFFAIRS.

(No. 1600) Tehran, December 12, 1921

YOUR EXCELLENCY,

In reply to your letter dated the 20th day of Ghows, I have the honour to inform you that Articles V and VI are intended to apply only to cases in which preparations have been made for a considerable armed attack upon Russia or the Soviet Republics allied to her, by the partisans of the régime which has been overthrown or by its supporters among those foreign Powers which are in a position to assist the enemies of the Workers' and Peasants' Republics and at the same time to possess themselves, by force or by underhand methods, of part of the Persian territory, thereby establishing a base of operations for any attacks—made either directly or through the counter-revolutionary forces—which they might meditate against Russia or the Soviet Republics allied to her. The Articles referred to are therefore in no sense intended to apply to verbal or written attacks directed against the Soviet Government by the various Persian groups, or even by any Russian *émigrés* in Persia, in so far as such attacks are generally tolerated as between neighbouring Powers animated by sentiments of mutual friendship.

With regard to Articles XIII and XX, and the small error to which you draw attention in Article III with reference to the Convention of 1881, I am in a position to state categorically, as I have always stated, that my Government, whose attitude towards the Persian nation is entirely friendly, has never sought to place any restriction upon the progress and prosperity of Persia. I myself fully share this attitude, and would be prepared, should friendly relations be maintained between the two countries, to promote negotiations with a view to a total or partial revision of these Articles on the lines desired by the Persian Government, as far as the interests of Russia permit.

In view of the preceding statements, I trust that, as you promised me in your letter, your Government and the Mejlis will ratify the Treaty in question as soon as possible.

TREATY OF ALLIANCE BETWEEN THE UNITED KINGDOM AND THE SOVIET UNION AND IRAN

JANUARY 29, 1942

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the Union of Soviet Socialist Republics, on the one hand, and His Imperial Majesty the Shahinshah of Iran, on the other;

Having in view the principles of the Atlantic Charter jointly agreed upon and announced to the world by the President of the United States of America and the Prime Minister of the United Kingdom on the 14th August, 1941, and endorsed by the Government of the Union of Soviet Socialist Republics on the 24th September, 1941, with which His Imperial Majesty the Shahinshah declares his complete agreement and from which he wishes to benefit on an equal basis with other nations of the world; and

Being anxious to strengthen the bonds of friendship and mutual understanding between them; and

Considering that these objects will best be achieved by the conclusion of a Treaty of Alliance;

Have agreed to conclude a treaty for this purpose. . . .

Article 1. His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, and the Union of Soviet Socialist Republics (hereinafter referred to as the Allied Powers) jointly and severally undertake to respect the territorial integrity, sovereignty, and political independence of Iran.

Article 2. An alliance is established between the Allied Powers on the one hand and His Imperial Majesty the Shahinshah of Iran on the other.

Article 3. (i) The Allied Powers jointly and severally undertake to defend Iran by all means at their command from all aggression on the part of Germany or any other Power.

(ii) His Imperial Majesty the Shahinshah undertakes—

(a) to cooperate with the Allied Powers with all the means at his command and in every way possible, in order that they may be able to fulfil the above undertaking. The assistance of the Iranian forces shall, however, be limited to the maintenance of internal security on Iranian territory;

(b) to secure to the Allied Powers, for the passage of troops or supplies from one Allied Power to the other or for other similar purposes, the unrestricted right to use, maintain, guard, and, in case of military necessity, control in any way that they may require all means of communication throughout Iran, including railways, roads, rivers, aerodromes, ports, pipelines and telephone, telegraph and wireless installations;

(c) to furnish all possible assistance and facilities in obtaining material and recruiting labour for the purpose of the maintenance and improvement of the means of communication referred to in paragraph (b);

(d) to establish and maintain, in collaboration with the Allied Powers, such measures of censorship control as they may require for all the means of communication referred to in paragraph (b).

(iii) It is clearly understood that in the application of paragraph (ii) (b), (c), and (d) of the present article the Allied Powers will give full consideration to the essential needs of Iran.

Article 4. (i) The Allied Powers may maintain in Iranian territory, land, sea, and air forces in such number as they consider necessary. The location of such forces shall be decided in agreement with the Iranian Government so long as the strategic situation allows. All questions concerning the relations between the forces of the Allied Powers and the Iranian authorities shall be settled so far as possible in cooperation with the Iranian authorities in such a way as to safeguard the security of the said forces. It is understood that the presence of these forces on Iranian territory does not constitute a military occupation and will disturb as little as possible the administration and the security forces of Iran, the economic life of the country, the normal movements of the population, and the application of Iranian laws and regulations.

(ii) A separate agreement or agreements shall be concluded as soon as possible after the entry into force of the present Treaty regarding any financial obligations to be borne by the Allied Powers under the provisions of the present article and of paragraphs (ii) (b), (c), and (d) of Article 3 above in such matters as local purchases, the hiring of buildings and plant, the employment of labour, transport charges, etc. A special agreement shall be concluded between the Allied Governments and the Iranian Government defining the conditions for any transfers to the Iranian Government after the war of buildings and other improvements effected by the Allied Powers on Iranian territory. These agreements shall also settle the immunities to be enjoyed by the forces of the Allied Powers in Iran.

Article 5. The forces of the Allied Powers shall be withdrawn from Iranian territory not later than six months after all hostilities between the Allied Powers and Germany and her associates have been suspended by the conclusion of an armistice or armistices, or on the conclusion of peace between them, whichever date is the earlier. The expression "associates" of Germany means all other Powers which have engaged or may in the future engage in hostilities against either of the Allied Powers.

Article 6. (i) The Allied Powers undertake in their relations with foreign countries not to adopt an attitude which is prejudicial to the territorial integrity, sovereignty or political independence of Iran, nor to conclude treaties inconsistent with the provisions of the present Treaty. They undertake to consult the Government of His Imperial Majesty the Shahinshah in all matters affecting the direct interests of Iran.

(ii) His Imperial Majesty the Shahinshah undertakes not to adopt in his relations with foreign countries an attitude which is inconsistent with the alliance, nor to conclude treaties inconsistent with the provisions of the present Treaty.

Article 7. The Allied Powers jointly undertake to use their best endeavours to safeguard the economic existence of the Iranian people against the privations and difficulties arising as a result of the present war. On the entry into force of the present Treaty, discussions shall be opened between the Government of Iran and the Governments of the Allied Powers as to the best possible methods of carrying out the above undertaking.

Article 8. The provisions of the present Treaty are equally binding as bilateral obligations between His Imperial Majesty the Shahinshah and each of the two other High Contracting Parties.

Article 9. The present Treaty shall come into force on signature and shall remain in force until the date fixed for the withdrawal of the forces of the Allied Powers from Iranian territory in accordance with Article 5.

ANNEX 1.

Identic notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador:

With reference to Article 6, paragraph (i), of the Treaty of Alliance signed today, I have the honor, on behalf of His Majesty's Government in the United Kingdom [the Government of the Union of Soviet Socialist Republics] to assure Your Excellency that my Government interpret the provisions of this clause as being applicable to any peace conference or conferences held at the conclusion of the present war, or other general international conferences. Consequently they consider themselves bound not to approve anything at any such conference which is prejudicial to the territorial integrity, sovereignty, or political independence of Iran, and not to discuss at any such conference anything affecting the direct interests of Iran without consultation with the Government of Iran.

His Majesty's Government [the Government of the Union of Soviet Socialist Republics] will further do their best to secure that Iran will be represented on a footing of equality in any peace negotiations directly affecting her interests.

ANNEX 2.

Identic notes addressed to His Majesty's Minister and the Soviet Ambassador by the Iranian Minister for Foreign Affairs:

With reference to Article 6, paragraph (ii), of the Treaty of Alliance signed this day, I have the honor, on behalf of the Iranian Government, to assure Your Excellency that the Iranian Government would consider it contrary to their obligations under this clause to maintain diplomatic relations with any State which is in diplomatic relations with neither of the Allied Powers.

ANNEX 3.

Identic notes addressed to the Iranian Minister for Foreign Affairs by His Majesty's Minister and the Soviet Ambassador:

I have the honor, on behalf of His Majesty's Government in the United Kingdom [the Government of the Union of Soviet Socialist Republics] to convey to Your Excellency the following assurances:

(1) With reference to Article 3 (ii) (a) of the Treaty of Alliance which has been signed to-day, the Allied Powers will not require of Iran the participation of her armed forces in any war or military operations against any Foreign Power or Powers.

(2) With reference to Article 4 (ii), it is understood that there is no provision in the Treaty which requires that the Iranian Government shall bear the cost of any works which the Allied Powers carry out for their own military ends and which are not necessary for the needs of Iran.

(3) It is understood that Annex 1 will remain in force even if the Treaty ceases to be valid, in accordance with the provisions of Article 9, before peace has been concluded.

DECLARATION REGARDING IRAN—DECEMBER 1, 1943[1]

CONFERENCE OF PRESIDENT ROOSEVELT, PRIME MINISTER CHURCHILL AND PREMIER STALIN AT TEHRAN

The President of the United States of America, the Premier of the Union of Soviet Socialist Republics, and the Prime Minister of the United Kingdom, having consulted with each other and with the Prime Minister of Iran, desire to declare the mutual agreement of their three Governments regarding their relations with Iran.

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[1] See *The Department of State Bulletin*, Vol. IX, No. 233, Publication 2035 (Washington, December 11, 1943), p. 409; *ibid.*, the Declaration of the Three Powers, signed at Tehran, December 1, 1943.—ED.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom recognize the assistance which Iran has given in the prosecution of the war against the common enemy, particularly by facilitating transportation of supplies from overseas to the Soviet Union. The three Governments realize that the war has caused special economic difficulties for Iran and they are agreed that they will continue to make available to the Government of Iran such economic assistance as may be possible, having regard to the heavy demands made upon them by their world-wide military operations and to the world-wide shortage of transport, raw materials and supplies for civilian consumption.

With respect to the post-war period, the Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom are in accord with the Government of Iran that any economic problem confronting Iran at the close of hostilities should receive full consideration along with those of the other members of the United Nations by conferences or international agencies held or created to deal with international economic matters.

The Governments of the United States of America, the Union of Soviet Socialist Republics and the United Kingdom are at one with the Government of Iran in their desire for the maintenance of the independence, sovereignty and territorial integrity of Iran. They count upon the participation of Iran together with all other peace-loving nations in the establishment of international peace, security and prosperity after the war in accordance with the principles of the Atlantic Charter, to which all four Governments have continued to subscribe.

Iraq

PAGES

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League of Nations, Geneva, 1929. (C.49.1929.VI.) (*Series of League of Nations Publications.* VI.A. Mandates. 1929.VI.A. I.); Amendment of 1943, Iraq. *Government Gazette,* November 28, 1943, pp. 469-476.

2. Electoral Law for the Iraq Chamber of Deputies—October 22, 1924 132-142

British and Foreign State Papers, vol. 121 (1925), H.M. Stationery Office, London, pp. 454-465.

3. Treaty of Alliance Between His Majesty in Respect of the United Kingdom and His Majesty the King of Iraq—June 30, 1930 143-148

Treaty Series No. 15 (1931), Cmd. 3797. H.M. Stationery Office, London, 1931.

4. Declaration of the Kingdom of Iraq, Made at Baghdad on the Occasion of the Termination of the Mandatory Regime in Iraq—May 30, 1932 149-155

League of Nations, Geneva, 1932. (A.17.1932.VII.) (*Series of League of Nations Publications.* VII. Political. 1932.VII.9.)

5. Treaty of Arab Brotherhood Between Iraq and Saudi Arabia—April 6, 1936 155-160

Courtesy of the Arab Bureau of Enlightenment and Publicity, Damascus. Translation by Mr. H. I. Katibah, of the Institute of Arab American Affairs, New York, N. Y.

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THE IRAQ CONSTITUTION

March 21, 1925

PASSED BY THE CONSTITUENT ASSEMBLY, JULY 10, 1924 (AS AMENDED BY THE LAWS OF JULY 29, 1925 AND OCTOBER 27, 1943)

Introduction

Art. 1. This law shall be known as "The Iraq Constitution," its provisions shall be in force in all parts of the Kingdom of Iraq.

Art. 2. (as amended October 27, 1943) Iraq is a sovereign State, independent and free. Her territories shall not be partitioned and no part thereof shall be given up. The Government is a hereditary monarchy, and its form is representative.

Art. 3. (as amended October 27, 1943) The city of Baghdad is the Capital of Iraq. In case of need some other place may be adopted as the Capital, as a temporary measure.

Art. 4. (as amended October 27, 1943) The Iraq flag shall be of the following form and dimensions:—

Its length shall be double its breadth and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the next white and the next green. Next to the staff it shall bear a red truncated cone, of which the greater base shall be equal to the breadth of the flag, the smaller base equal to the breadth of the white strip and the height equal to one-fourth of the length of the flag. In the middle of the cone shall be two white stars of seven points placed in a perpendicular line parallel to the staff.

The use of the flag and the arms, insignia and decorations of the State shall be prescribed by law.

Part I.

The Rights of the People

Art. 5. (as amended October 27, 1943) Iraq nationality and the rules applicable thereto will be prescribed by law.

Art. 6. There shall be no differentiation in the rights of Iraqis before the law, whatever differences may exist in language, race or creed.

Art. 7. There shall be no violation of, or interference with, the personal liberty of any of the inhabitants of Iraq. None of them shall be arrested, detained, punished or obliged to change their place of residence, or be placed in bonds, or compelled to serve in the armed forces, except in conformity with law.

Torture and the deportation of Iraqis from the Kingdom of Iraq are absolutely forbidden.

Art. 8. The inviolability of all places of residence is guaranteed. They may not be entered or seached except in such circumstances and in such manner as may be prescribed by law.

Art. 9. No person shall be prevented from having recourse to the Courts, or be obliged to have recourse to a Court other than the Court competent to deal with his case, except in accordance with law.

Art. 10. (as amended October 27, 1943)

1) Rights of ownership shall be safeguarded. No person's goods or property shall be expropriated except for the public benefit, and in the circumstances and in the manner prescribed by law, and on condition that just compensation is paid.

2) Forced loans may not be imposed, nor may goods or property be seized or prohibited goods confiscated, except in accordance with law.

3) Unpaid forced labour and the general confiscation of movable and immovable property are absolutely forbidden.

Art. 11. (as amended October 27, 1943) No tax or duty shall be imposed except by law, the provisions whereof shall include all the persons liable to pay the tax.

Art. 12. Freedom of expression of opinion, liberty of publication, of meeting together, and of forming and joining associations is guaranteed to all Iraqis within such limits as may be prescribed by law.

Art. 13. Islam is the official religion of the State. Freedom to practise the rites of the different sects of that religion, as observed in Iraq, is guaranteed. Complete freedom of conscience and freedom to practice the various forms of worship, in conformity with accepted customs, is guaranteed to all inhabitants of the country, provided that such forms of worship do not conflict with the maintenance of order and discipline or public morality.

Art. 14. (as amended October 27, 1943) Iraq nationals have the right to present petitions of complaint and memorials, in matters concerning themselves personally or in public matters, to the King and to Parliament and to the public authorities, in the manner and in the circumstances to be prescribed by law.

It is not permitted, except to official bodies and juristic persons, to address the authorities in the name of a number of persons.

Art. 15. All postal and telegraphic correspondence and all telephonic communications shall be secret and free from censorship or detention, except in such circumstances and in such manner as may be prescribed by law.

Art. 16. The various communities shall have the right of establishing and maintaining schools for the instruction of their members in their own tongues, provided that such instruction is carried out in conformity with such general programmes as may be prescribed by law.

Art. 17. Arabic shall be the official language, except as may be prescribed by a special law.

Art. 18. (as amended October 27, 1943) Iraq nationals are equal in the enjoyment of civil and political rights and the performance of public duties and obligations. No distinction shall be made between them on account of origin, language or religion. To them alone shall public appointments, civil or military, be entrusted, and foreigners may not hold such appointments except in the exceptional circumstances to be prescribed by law.

Part II.

The Prerogatives of the Crown

Art. 19. The sovereignty of the constitutional Kingdom of Iraq resides in the people. It is a trust confided by them to King Faisal, son of Husain, and to his heirs after him.

Art. 20. (as amended October 27, 1943)

1) The Heir Apparent shall be the eldest son of the King, in the direct line, in accordance with the provisions of the Law of the Succession.

2) If there be no Heir Apparent according to the Law of Succession, the ablest adult male Iraqi of the sons of the eldest of the sons of King Hussein ibn Ali shall be the heir until there is an Heir Apparent.

Art. 21. (as amended October 27, 1943) On accession to the throne the King shall swear an oath before the Senate and Chamber of Deputies, assembled in joint session under the presidency of the President of the Senate, that he will uphold the Constitution and the independence of the country, and will be loyal to the nation and fatherland.

Art. 22. (as amended by the Constitutional Amendment of July 29th, 1925) The King shall attain his majority on completion of his eighteenth year. In the event of the throne passing to a person below that age, the King's prerogatives shall be exercised by a Regent chosen by the former King, until such time as the King attains his majority. The Regent, however, may not assume this dignity, nor carry out the functions thereof, unless Parliament approves of his appointment. Should Parliament not approve, or should the former King fail to appoint a Regent, the Regent shall be appointed by Parliament. The Regent shall swear on oath before Parliament, as prescribed in the preceding article. Until such time as the Regent has been appointed and has taken the oath, the constitutional prerogatives of the King shall be exercised by the Council of Ministers on behalf of the people of Iraq, the Council being responsible therefor. No modification may be introduced into the Constitution during the Regency concerning the King's prerogatives and succession to the throne.

Whenever the necessity for the appointment of a Regent arises, Parliament shall be convoked immediately. Should the Chamber of Deputies be dissolved, and the election of the new Chamber be not yet completed, the former Chamber shall be convoked for this purpose.

Art. 23. (as amended October 27, 1943)

1) The King may, in case of need, absent himself from Iraq, by decision of the Council of Ministers, which must be published. Before leaving, the King will, with the approval of the Council of Ministers, appoint a Regent or Council of Regency, and define the powers which he delegates to him or them.

2) Neither a Regent nor any member of a Council of Regency shall exercise any right of the King until after he has taken the oath prescribed by Article 21 of this law.

3) If Parliament is sitting, the oath shall be sworn before it, in the manner described in Article 21; otherwise it shall be sworn before the Council of Ministers in the presence of the Presidents of the Senate and of the Chamber of Deputies, or those acting for them.

4) A Minister cannot be Regent or a member of a Council of Regency. If a member of Parliament is Regent or a member of a Council of Regency he shall not, during the period of the Regency, participate in the business of the Assembly to which he belongs.

5) If the absence of the King extends to more than four months and Parliament is not sitting, it shall be summoned immediately to consider the matter.

6) The Regent and the members of a Council of Regency must be Iraq nationals and not less than thirty years of age. A male relative of the King, who has completed the eighteenth year of his age, may be appointed.

Art. 24. The King may not ascend a throne outside Iraq, except with the consent of Parliament.

Art. 25. The King is safeguarded and is not responsible.

Art. 26. (as amended October 27, 1943)

1) The King is Head of the State. He confirms laws, orders the publication, and supervises the execution thereof. By his order Regulations are issued for purpose of carrying out laws, within the express provisions thereof.

2) The King issues orders for holding General Elections for the Chamber of Deputies and for the convocation of Parliament. He opens Parliament, adjourns and prorogues it, and dissolves the Chamber of Deputies, in conformity with the provisions of this law.

3) If necessity shall arise, when Parliament is not sitting, for taking urgent measures to maintain order and public security, to

repel a public danger, to incur urgent expenditure not sanctioned by the budget or by a special law, or to carry out the obligations of treaties, the King may, with the approval of the Council of Ministers issue ordinances, having the force of law, prescribing the measures to be taken, as may be necessary in the circumstances, provided that they shall not contravene the Constitution. All ordinances must be submitted to Parliament at its next session, except those which have been issued for the purpose of fulfilling the obligations of treaties which have been approved by Parliament or the Constituent Assembly. If Parliament does not confirm the ordinances, the Government shall notify the termination of the operation thereof, and they shall stand repealed from the date of such notification. All Ministers must sign the ordinances.

The expression "Law" includes ordinances issued under this Article unless there is anything to the contrary in the context.

4) The King concludes treaties, provided that he shall not ratify them without the approval of Parliament.

5) The King selects the Prime Minister and, on his recommendation, appoints the Ministers and accepts their resignation from office.

6) The King may dismiss the Prime Minister if the public interest renders it necessary so to do.

7) The King appoints the members of the Senate and accepts their resignation from their office.

8) The King, on the recommendation of the responsible Minister, appoints and dismisses all diplomatic representatives, civil officials, qadhis and judges, and grants military rank and appoints divisional commanders and those above them, unless he delegates these powers, by law, to some other authority. He bestows decorations and titles and other marks of honour.

9) The King is Commander-in-Chief of all the armed forces. He declares war with the consent of the Council of Ministers. He concludes treaties of peace, on condition that he shall not ratify them without the approval of Parliament. He declares Martial Law and the State of Emergency in conformity with the provisions of this law.

10) The coinage shall be struck in the name of the King.

11) The death sentence shall not be executed unless it is con-

firmed by the King. The King may reduce sentences or remit them by special pardon and, with the consent of both Assemblies of Parliament, he may proclaim a general amnesty.

PART III.

THE LEGISLATURE

Art. 27. The King shall exercise his powers by means of Royal *Iradas.* They shall issue upon the proposal of the responsible Minister or Ministers, with the concurrence of the Prime Minister, and shall be signed by them.

Art. 28. Legislative power is vested in Parliament and the King. Parliament is composed of the Senate and the Chamber of Deputies.

The legislature has the right of making laws and of amending and repealing them in conformity with the provisions of this law.

Art. 29. The King shall open Parliament in person or depute the Prime Minister or one of the Ministers for that purpose to perform the opening ceremony and deliver the speech from the throne.

Art. 30. (as amended October 27, 1943)

No person shall be a member of either Assembly or Parliament:—

1) If he is not an Iraq national who has acquired Iraq nationality at birth or by virtue of the Treaty of Lausanne or by naturalisation, provided that, if he is naturalised, he belongs to an Ottoman family ordinarily resident in Iraq before the year 1914, and has been an Iraq national for ten years.

2) If he is less than thirty years old in the case of a deputy, or less than forty in the case of a senator.

3) If he has been adjudged bankrupt and has not been reinstated.

4) If he has been interdicted by the Court and the interdiction has not been removed.

5) If he has been sentenced to imprisonment for a term of not less than one year for an offence which is not of a political nature, or if he has been sentenced to imprisonment for any period for theft, bribery, breach of trust, forgery, fraud or any other offence adversely affecting his honour.

6) If he holds an official appointment in the Government or the departments connected therewith, or any office, appointment or em-

ployment under a person or institution which has a contract with a public department, or if he has any material interest, direct or indirect, with such contractor, unless the interest arise out of his being a share-holder in a Company composed of more than twenty-five persons. From this rule are excepted the lessees of Government lands and property, and those who are engaged in the duties described in paragraph 2 of Article 31 of this law.

7) If he is mad or an idiot.

8) If he is a relative of the King, within such degree as may be prescribed by law.

9) A person cannot be a member of both Assemblies of Parliament.

Art. 31. (as amended October 27, 1943)

1) The Senate shall be composed of a number of persons not exceeding one quarter of the total number of Deputies, to be appointed by the King from among those who have, by their acts, secured the confidence and esteem of the people, and from among those who have served the State and fatherland with distinction in the past.

2) A Senator or Deputy may, with the approval of the Assembly to which he belongs, be deputed to undertake important duties in the service of the State for a period not exceeding two years.

Art. 32. (as amended October 27, 1943)

The period of membership of the Senate is eight years from the date of appointment. A former senator may be again appointed.

Art. 33. (as amended October 27, 1943)

The Senate will elect a President and two Vice-Presidents from among its members, for a period extending from the beginning of the ordinary session until the beginning of the ordinary session in the following year. The result of the election will be submitted to the King for his confirmation. In the event of the dissolution of the Chamber of Deputies, their term of office will not terminate until the new Parliament has assembled, unless they have ceased to be members of the Senate.

Art. 34. The Senate shall assemble and disperse at the same time as the Chamber of Deputies.

Art. 35. (as amended October 27, 1943)

A senator will receive, in addition to travelling allowance, a monthly allowance of fifty Dinars during the whole period of his membership.

Art. 36. The Chamber of Deputies shall be constituted by election on the basis of one deputy for every twenty thousand males.

Art. 37. (as amended October 27, 1943)

The election of deputies shall be done under a special law, which shall prescribe the manner of proposing candidates, of secret voting at elections, and the necessary representation of the Christian and Jewish minorities.

Art. 38. (as amended October 27, 1943)

1) The term of the Chamber of Deputies is four ordinary sessions, one in each year, beginning on the first day of December and, if that day falls on a legal holiday, then on the day following, subject to the provisions of paragraph 2 of Article 26.

2) The Chamber will be six months in session and six months in recess in each year. Subject to paragraph 1, the periods of session and recess in each year shall be determined by Royal Iradah.

3) The Chamber will sit in the Capital but, if that is impossible, may sit elsewhere.

Art. 39. (as amended October 27, 1943)

1) The King will summon the Chamber of Deputies to meet in session; if he fails so to do on the appointed day, it will meet by virtue of this law. It will remain in session as prescribed by the preceding Article unless the King dissolves it before the end of its term.

2) The Chamber may adjourn its sittings from time to time in accordance with its Internal Regulations, and shall be deemed to be in session during such adjournments.

Art. 40. (as amended October 27, 1943)

1) If the Chamber is dissolved, new elections shall be proceeded with and the new Chamber will be summoned to meet in extraordinary session within a period not exceeding four months from the date of dissolution. This session shall be subject to the rules set out in Articles 38 and 39 in what concerns recess and adjournments.

In any event the session must terminate on thirtieth day of November, so that the first ordinary session of the term may begin, but if the extraordinary session begins in the months of December or January, it shall be regarded as the first ordinary session of the term.

2) If the Chamber is dissolved for any reason the new Chamber may not be dissolved for the same reason.

3) The King may summon Parliament to assemble outside the period prescribed by Article 38 in order to decide matters to be specified in the summons; the session will be terminated by Royal Iradah.

Art. 41. A former deputy is eligible for re-election.

Art. 42. (as amended October 27, 1943)

Every male Iraq national who has completed the thirtieth year of his age, and is not disqualified in any manner set out in Article 30, may be elected a deputy. He shall not represent more than one of the electoral districts described in the Electoral Law and, if he is elected to more than one district, he must, within eight days after having been so informed, select the district which he desires to represent. Officials, not being Ministers or delegated senators or deputies, who are elected may choose between accepting or refusing their seats, and those who accept must vacate their Government appointments within the period aforesaid.

Art. 43. (as amended October 27, 1943)

The Chamber of Deputies decides matters connected with the electoral qualifications of deputies, objections made against elections, vacant seats, and resignations.

Art. 44. The Chamber of Deputies shall elect a President, two Vice-Presidents and two Secretaries from among their number each year, during the first sitting of the Chamber. The result of this election shall be made known to the King and shall be confirmed by him. When necessary, one of the Vice-Presidents shall act for the President.

Art. 45. Every member of the Chamber of Deputies has the right to propose the enactment of a draft law, except in what concerns the financial matters referred to hereinafter, provided that he has the support of ten of his colleagues. If such proposal is accepted by the Chamber, it shall be sent to the Council of Ministers, in order that a draft law may be prepared. Any proposal which is rejected by the Chamber may not be reintroduced during the same session.

Art. 46. (as amended October 27, 1943) A deputy may resign his seat by presenting his resignation in writing to the President, but the resignation shall be of no effect until it is accepted by the Chamber of Deputies.

Art. 47. (as amended October 27, 1943) If a seat in the Chamber of Deputies becomes vacant by reason of death, resignation, loss of legal qualification, or absence, a new election must be held forthwith, at the request of the President.

Art. 48. (as amended October 27, 1943) A deputy is deemed to represent the whole of Iraq and not merely his own electoral district.

Art. 49. A member absent from the Chamber without leave or without just cause for a period of one month is considered to have resigned, subject to the terms of Art. 46.

Art. 50. (as amended October 27, 1943)

1) A deputy will receive, in addition to travelling allowance, a monthly allowance of forty Dinars during the whole period of his membership.

2) If the Chamber is dissolved on the first day of December or thereafter, the deputy shall receive his allowance for the remaining months of the sessional year, up to the end of November in such year.

Art. 51. (as amended October 27, 1943) Senators and deputies, before entering on their duties, shall individually swear an oath, before the Assemblies to which they belong, that they will be loyal to the King, preserve the Constitution, serve the nation and fatherland, and perform their duties diligently.

Art. 52. (as amended October 27, 1943)

1) The Senate shall not begin business unless more than one half of the members actually appointed are present.

2) The Chamber of Deputies shall not begin business unless more than half of the members actually elected are present.

Art. 53. Decisions shall be taken by a majority of votes of the members present, unless otherwise provided by this law. If the voting is equal, the President shall have a casting vote. No majority shall be obtained unless half the members present cast their vote. Each member shall vote in person. The method of voting shall be prescribed in the Internal Regulations of the Assembly.

Art. 54. Every member of Parliament has the right to put questions and demand explanations from Ministers. Discussions arising therefrom and from answers given in reply thereto shall be carried on in the manner prescribed by the Internal Regulations of each Assembly, provided that such discussion shall not take place until eight days at least have elapsed from the day on which such questions or demands for explanations were put. This procedure may be departed from in urgent cases or by consent of the Minister.

Art. 55. (as amended October 27, 1943)

An Assembly will pass its decisions on draft laws article by article and then as a whole, but it may resolve that it is enough to decide on the draft as a whole only, in which case the members shall have the right to discuss the articles.

Art. 56. No armed force may enter the Assembly or remain near its precincts, unless requested to do so by the President.

Art. 57. The meetings of both Assemblies shall be open to the public. At the request, however, of one of the Ministers, or four of the Senators, or ten of the Deputies, the debate on the question under discussion shall be conducted *in camera*.

Art. 58. No person may enter either Assembly and speak therein except members, Ministers or high officials deputed by Ministers during their absence, or persons invited to do so by the Assembly.

Art. 59. The Senate and the Chamber of Deputies shall have the right of issuing rules and regulations concerning the following matters:

1) The manner of exercising and maintaining the powers, privileges and safeguards conferred upon the Assembly by this law.

2) The transaction of the business of both Assemblies and the conduct of debates, whether sitting separately or jointly.

Art. 60. (as amended October 27, 1943)

1) Every member has complete freedom of speech subject to

the Internal Regulations of the Assembly to which he belongs. No legal proceedings shall be taken against him on account of any vote which he gives or any opinion which he expresses, or any speech which he makes in the course of the deliberations and discussions of the Assembly.

2) A member of Parliament shall not be arrested or tried unless the Assembly to which he belongs resolves, by majority, that sufficient grounds exist for his being charged, or unless he is arrested, *flagrante delicto,* for a crime. If a member is arrested for any reason while Parliament is in recess the Government shall so inform the Assembly when it meets, furnishing explanations and reasons.

Art. 61. A Minister who is a member of either the Senate or Chamber of Deputies shall have the right of voting in the Assembly of which he is a member and the right of speaking in both Assemblies. Ministers who are not members of either Assembly shall have the right of speaking in both, but not of voting. Ministers, or persons representing them in their absence, shall have the right of precedence over other members in addressing the Assemblies.

Art. 62. (as amended October 27, 1943)

1) Draft laws will be submitted to one of the Assemblies and, if accepted, will be submitted to the other Assembly. They shall not become law unless accepted by both Assemblies and confirmed by the King.

2) If a draft law is submitted to one Assembly and the Prime Minister, or one of the Ministers mentioned in the draft, demands a joint session, and the Senate approves the demand, then the Assemblies shall meet under the presidency of the President of the Senate. The decision as to the draft shall be by a two-thirds majority of the joint assembly, but the draft shall not become law until the King has confirmed it.

3) Both Chambers shall decide on drafts submitted to them by the Government. After acceptance the drafts will be presented to the King who will either confirm them or return them for reconsideration with a statement of reasons therefor, within a period of three months, provided that if either of the Assemblies resolves that a draft is urgent then it must be confirmed, or returned for reconsideration, within fifteen days, with a statement of reasons therefor.

Drafts not returned within the prescribed period shall be regarded as confirmed.

4) Draft laws rejected by both Assemblies shall not be introduced again into either Assembly during the Session.

Art. 63. In the event of one of the Assemblies rejecting a draft law twice, and the other Assembly insisting upon its acceptance, a joint meeting of the members of the Senate and Chamber of Deputies shall be held, presided over by the President of the Senate, with the object of discussing the articles regarding which a divergence of opinion exists. If the draft law is accepted, with or without amendment, by a majority composed of two-thirds of the members of the joint meeting, such draft law shall be considered to have been passed by both Assemblies, but shall not become law until it has been confirmed by the King. If not passed in this manner, such draft law shall not be reintroduced into either Assembly during the current session.

PART IV.

THE COUNCIL OF MINISTERS

Art. 64. (as amended October 27, 1943)

1) The number of Ministers shall be less than seven, including the Prime Minister. No person shall be a Minister who is under any disqualification described in Article 30.

A Minister who is not a member of either Assembly shall not remain in office longer than six months unless he is appointed a senator or elected a deputy before the end of that period. A Minister who receives the salary of a minister shall not, at the same time, receive the membership allowance in either Assembly. A Minister shall not buy or lease any of the property or possessions of the State.

2) Deputy Ministers may be appointed provided that they must be members of Parliament.

3) In case of necessity the King may appoint Ministers without portfolio, in order to obtain the benefit of their experience and talents.

Art. 65. (as amended October 27, 1943)

The Council of Ministers will undertake the direction of the affairs of the State. It will meet, under the presidency of the Prime

Minister, to decide the measures to be taken in matters which concern more than one Ministry and in all important matters which concern the Ministries. The Prime Minister will submit the decisions of the Council to the King, for his confirmation.

Art. 66. Ministers of State shall be jointly responsible to the Chamber of Deputies for affairs dealt with by the various Ministries and responsible severally for acts relating to each of the Ministries and Departments attached thereto. Should the Chamber of Deputies pass a vote of no confidence in the Cabinet by a majority of members present, the Cabinet must resign. If the resolution in question relates to one Minister only, such Minister must resign.

At the request of the Prime Minister or of the Minister concerned, the Chamber shall, once only, postpone a vote of no confidence for a period not exceeding eight days. The Chamber shall not be dissolved during that period.

Art. 67. A Minister shall despatch all business relating to his Ministry and departments attached thereto in manner prescribed by law.

PART V.

THE JUDICATURE

Art. 68. Judges shall be appointed by Royal *Irada* and may only be removed in the circumstances mentioned in the special law dealing with the conditions governing their qualifications, appointment, grades and method of dismissal.

Art. 69. The Courts shall be divided into three classes:

1. Civil Courts.
2. Religious Courts.
3. Special Courts.

Art. 70. The manner of instituting the Courts, the places where they are to be established, the grades, divisions, jurisdiction and supervision thereof, and the execution of judgments, shall be determined by special laws, subject to the provisions of this law.

Art. 71. The Courts shall be free from all interference in the conduct of their affairs.

Art. 72. All sittings of the Courts shall be open to the public, unless some legal justification exists for holding sittings *in camera.* Judgments of the Courts, as well as the proceedings thereof, may be published, except those relating to sittings held *in camera.* All judgments shall issue in the name of the King.

Art. 73. The Civil Courts shall have jurisdiction over all persons in Iraq, in all actions and civil and criminal matters, and those brought by or against the Iraq Government, with the exception of actions and matters coming within the jurisdiction of the religious or special Courts, as stated hereinafter in this law, or in any other law in force.

Art. 74. The jurisdiction of the Civil Courts includes civil, commercial and criminal matters, in accordance with the laws in force, provided that, in matters relating to the personal status of foreigners and in other civil and commercial matters in which by international custom the terms of the law of a foreign country are to be applied, such law shall be applied in manner to be prescribed by special law.

Art.75. The religious Courts shall be divided into:

1. Shara' Courts.
2. The Spiritual Councils of the Communities.

Art. 76. The Shara' Courts alone shall be competent to deal with actions relating to the personal status of Muslims and actions relating to the administration of Waqf foundations.

Art. 77. Justice shall be administered in the Shara' Courts in accordance with the terms of the Shara' doctrine peculiar to each of the Islamic sects, in conformity with the terms of a special law. The Qadhi shall be a member of the sect to which the majority of the inhabitants of the place to which he is appointed belong, maintaining the appointment of both *Sunni* and *Ja'feri* Qadhis in the cities of Baghdad and Basra.

Art. 78. The Spiritual Councils of the Communities include the Jewish Spiritual Councils and the Christian Spiritual Councils. Such Councils shall be established, and powers of jurisdiction conferred upon them, by a special law.

Art. 79. The Spiritual Councils shall be competent to deal with the following matters:

1. Matters relating to marriage, dowry, divorce, separation, alimony, attestations of wills other than those attested by a notary public (with the exception of those matters coming within the jurisdiction of the Civil Courts relating to members of the community), but excluding foreigners who are members of such community.

2. Any other matter of personal status relating to members of the communities, if the parties so agree.

Art. 80. The procedure to be followed and the fees to be levied in the Spiritual Councils of the Communities shall be prescribed by special law. Succession, freedom of testamentary disposition and similar matters relating to personal status not coming within the jurisdiction of the Spiritual Councils of the Communities shall be regulated by law.

Art. 81. (as amended October 27, 1943)

The High Court will assemble to try Ministers and members of Parliament for political offences or offences connected with their public duties, and to try judges of the Court of Cassation for offences arising out of their duties, and to decide matters connected with the interpretation of this law and the conformity of other laws to this law.

Art. 82. (as amended October 27, 1943)

1) If it be necessary to hold a trial before the High Court the case shall be submitted to the Court by a resolution of accusation, passed by the Chamber of Deputies, separately in each case, by a majority composed of two thirds of the members present.

2) Other matters shall be submitted to the High Court by decision of the Council of Ministers or of one of the Assemblies of Parliament.

3) The High Court shall be constituted of eight members, beside the President, to be chosen by the Senate, four of them being senators and four of them being judges of the Court of Cassation or other senior judges. The Court will sit under the presidency of the President of the Senate or, if he cannot be present, his deputy.

Art. 83. (as amended October 27, 1943)

If it is required to decide a matter connected with the interpretation of the provisions of this law, or to decide whether a law in force contravenes the provisions of this law, the High Court will assemble by virtue of a Royal Iradah, to be issued with the consent of the Council of Ministers, after the Court has been constituted as prescribed by paragraph 3 of the preceding article. If Parliament is not in session the members shall be appointed by decision of the Council of Ministers and Royal Iradah.

Art. 84. (as amended October 27, 1943)

If it is necessary to interpret laws or regulations in circumstances other than those described in the preceding article, or if it is necessary to decide whether a regulation contravenes the law on which it is based, a Diwan Khas shall, at the request of the Minister concerned, be constituted under the presidency of the President of the Civil Court of Cassation or, if he is unable to attend, the Vice-President. The members shall be chosen as prescribed by a special law, three of them from the judges or the Court of Cassation and three from the senior military officers if the law in question concerns the armed forces, or three from the senior administrative officials if the law concerns administrative matters.

Art. 85. (as amended October 27, 1943)

Cases tried by the High Court shall be decided according to law. An accused person shall not be declared guilty except by a majority of two thirds of the Court. The decisions of the Court are final. Persons who are accused by the Chamber of Deputies shall forthwith relinquish their duties. Resignation shall not be a bar to prosecution.

Art. 86. (as amended October 27, 1943)

1) Every decision of the High Court declaring that a law or any provision of a law contravenes the provisions of this law shall issue by majority of two thirds of the Court. If a decision of this nature is issued then the law, or the offending portion thereof, will stand repealed from the date on which the decision was issued, provided that the Government shall introduce legislation providing for compensation for damage which may have been caused by the application of the repealed provisions.

2) Every decision issuing from the Diwan Khas, declaring that a regulation, or some provision thereof, contravenes the law on which it is based, shall be by a majority of two thirds of the Diwan. If a decision of this kind is issued, then the regulation, or the offending

part thereof, shall stand repealed from the date of the issue of the decision.

Art. 87. Decisions taken by the High Court regarding matters referred to in Article 83 (with the exception of those matters referred to in Article 86) and taken by the Diwan Khas regarding matters referred to in Article 84 shall be taken by a majority of the Court of Diwan Khas. Such decisions shall apply to all Courts and Government Departments.

Art. 88. Special Courts or Committees shall be set up when necessary for dealing with the following matters:

1) For the trial of members of the Iraq Military Forces for offences mentioned in the Military Penal Code.

2) For settling criminal and civil cases relating to the tribes in accordance with tribal custom as provided for by special law.

3) For the settlement of disputes arising between the Government and Government servants concerning their duties.

4) For investigating disputes relating to the possession or boundaries of lands.

5) (as added October 27, 1943) Courts martial and Special Courts set up in the circumstances described in Article 120 of this law.

Art. 89. (as amended October 27, 1943)

The procedure in the Special Courts and the fees to be collected therein and the manner of appeal against, or revision of, the judgments thereof, shall be prescribed by law.

PART VI.

FINANCIAL MATTERS

Art. 90. All taxes and excise dues shall remain unaltered as from the coming into force of this law, until changed by law.

Art. 91. (as amended October 27, 1943)

Taxes and dues shall not be imposed except by law, provided that this shall not apply to charges collected by Government Departments in return for public services rendered by them or in return for the enjoyment of State property. Taxes and duties may not be imposed by ordinance.

Art. 92. (as amended October 27, 1943)

Taxes and dues must be collected from the tax payers without distinction and none of them shall be exempted therefrom except by law.

Art. 93. No property of the State may be sold, granted, leased or otherwise disposed of except in accordance with law.

Art. 94. No monopoly or concession shall be granted for dealing with or using any of the natural resources of the land, or for any public service, nor shall the State revenues be farmed out, except in accordance with law, provided that, where the period relating to them exceeds three years, they must in each case be the subject of a special law.

Art. 95. The Government may not contract any loan, nor undertake anything involving payment out of public monies, except in accordance with a special law, unless the Budget Law makes provision therefor.

Art. 96. All monies received by Government officials must be paid into the State Treasury and accounted for in accordance with such procedure as is prescribed by law.

Art. 97. No salary may be allotted, nor remuneration paid, nor any monies belonging to the State Treasury expended for any reason whatsoever, except in accordance with law. No item in the budget estimates shall be expended except in such manner as is prescribed by law.

Art. 98. The budget estimates shall be sanctioned by an annual law known as the "Budget Law". The Budget Law must contain an estimate of the income and expenditure for the year in question.

Art. 99. Parliament must approve the budget in the session preceding the commencement of the financial year to which the law in question relates.

Art. 100. The Minister of Finance must in the first place submit to the Chamber of Deputies all draft laws for the appropriation of monies or for increasing, decreasing or cancelling the approved budget estimates. Similarly, the Budget Law and all draft laws relating to loans to be contracted by the Government must be submitted to the Chamber of Deputies.

Art. 101. The debate on the Budget Law and voting thereon shall take place article by article separately. It shall then be voted upon as a whole. The budget shall be voted upon vote by vote.

Art. 102. Should it be found necessary to expend sums of money urgently while Parliament is not sitting, the expenditure of which has not been sanctioned by the budget or by a special law, the King may, with the concurrence of the Council of Ministers, issue royal ordinances directing that financial measures shall be taken as provided by paragraph 3 of Article 26.

Art. 103. Parliament may pass a law for the appropriation of specified sums of money, to be expended over a period of years.

Art. 104. A law shall be passed providing for the setting up of a Department for the purpose of examining all expenditure and for the drawing up of a report for presentation to Parliament, at least once in each year, as to whether such expenditure is in conformity with the appropriations as approved by Parliament and has been expended in accordance with the procedure laid down by law.

Art. 105. No draft law may be introduced, nor any proposal put forward in either Assembly, involving the expenditure of any portion of the public revenues, except by a Minister.

Art. 106. The Chamber of Deputies may not take any decision, nor propose any amendment to a draft law, involving the reduction of expenditure arising out of treaties approved by Parliament, or the Constituent Assembly, unless approved by the King.

Art. 107. Should the new financial year have begun before the promulgation of the Budget Law relating thereto, and should Parliament have assembled, the Minister of Finance shall submit a draft law containing provisional budget estimates for a period not exceeding two months. On the expiration of the period covered by such estimates, the Minister of Finance may submit a fresh draft law of a similar nature. This procedure may be repeated on such occasions as may be necessary. Should Parliament not be sitting, the budget of the preceding year shall be followed without prejudice to the right of issuing the ordinances referred to in Article 102.

Art. 108. (as amended October 27, 1943) The coinage of the State shall be determined by law.

PART VII.

ADMINISTRATION OF THE PROVINCES

Art. 109. The administrative districts of Iraq, their classes, names, manner of institution, the powers of the officials and their titles shall be prescribed by a special law.

Art. 110. The law referred to in the preceding article shall provide that steps shall be taken in certain of the administrative divisions to ensure the performance of any obligations relating thereto, arising out of treaties concluded by the King and approved by Parliament or the Constituent Assembly.

Art. 111. Municipal affairs in Iraq shall be administered by means of Municipal Councils in accordance with a special law. In the administrative divisions, Administrative Councils shall perform such duties as may be prescribed for them by law.

Art. 112. Each Community shall have the right of establishing Councils in important administrative districts, competent to administer buildings and properties dedicated to waqfs (pious foundations) and bequests for charitable purposes. They shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof, in accordance with the wishes of the donor or with the custom in use among the Community. Such Communities shall also undertake the supervision of the property of orphans in accordance with law. The Councils referred to above shall be under the supervision of the Government.

PART VIII.

CONFIRMATION OF LAWS AND JUDGMENTS

Art. 113. Ottoman Laws published before November 5th, 1914, and laws published on or after that date and which have remained in force in Iraq up to the time of the publication of this law, shall remain in force in Iraq so far as circumstances permit, subject to any modification or repeal in conformity with the proclamations, regulations and laws referred to in the following article, and until they are altered or repealed by the legislative power, or the High Court issues a decision rendering them null and void in accordance with the provisions of Article 86.

Art. 114. All proclamations, regulations and laws issued by the Commander-in-Chief of His Britannic Majesty's Forces in Iraq, the Civil Commissioner, and the High Commissioner, and those issued by the Government of His Majesty King Faisal, during the period between November 5th, 1914, and the date of the coming into force of this Constitution, shall be considered to be valid as from the date on which they came into force. Any portion thereof still unrepealed by that date shall remain in force until changed or repealed by the legislative power, or until the High Court issues a decision rendering them null and void, in accordance with the provisions of Article 86.

Art. 115. Every person shall be considered to be released and exempt from all claims relating to any acts performed by him in good faith in conformity with instructions issued by the Commander-in-Chief of His Britannic Majesty's Forces in Iraq, the Civil Commissioner, the High Commissioner, the Government of His Majesty King Faisal, or by an official duly authorised thereunto, whether in a military or civil capacity, with a view to the suppression of hostilities, the establishment and consolidation of order and public security, or the carrying out of orders issued in accordance with martial law between November 5th, 1914, and the date of the coming into force of the Constitution. Every act referred to in this article shall be considered to have been done in good faith, unless the complainant can furnish proofs to the contrary. Any action or judicial proceeding with regard to any such act shall not be entertained and shall be considered null and void in the absence of such proof brought forward by the complainant.

Art. 116. All judgments passed in Civil and Shara' actions by the Ottoman Courts before the occupation by His Britannic Majesty's Forces, and likewise judgments passed in Civil and Shara' actions by the Courts set up after the said occupation, or by Political and Assistant Political Officers, in matters which came within their jurisdiction, shall be considered to have been given by the regularly constituted Courts of Iraq.

Art. 117. All judgments and decisions in criminal matters given by the Courts set up after the occupation of His Britannic Majesty's

Forces or by Courts-martial, Military Courts or by any Military Governor or Political or Assistant Political Officer or other officials authorised to try criminal offences and also the penalties imposed upon those persons tried in the Courts referred to above, or by the persons referred to, shall all be considered to have been passed by the regularly constituted Courts of Iraq.

Part IX.

Constitutional Amendments

Art. 118. Parliament may, within one year from the coming into force of this law, amend any of the subsidiary matters contained therein or add to them, in order that the objects of this law may be given effect, provided that Parliament shall agree by a two-thirds' majority of votes in both Chambers.

Art. 119. Subject to the provisions of the preceding article, no amendment whatsoever may be made in the Constitution for a period of five years from the date of the coming into force thereof, nor after the expiration of that period, except in the following manner:

Every amendment must be approved by a two-thirds' majority of both the Chamber of Deputies and the Senate. After such amendment has been approved, the Chamber of Deputies shall be dissolved and a new Chamber elected. An amendment which has been approved by the former Chamber shall be submitted again to the new Chamber and Senate. If approved by a two-thirds' majority of each Assembly, the amendment shall be submitted to the King for confirmation and promulgation.

Part X.

General Provisions

Art. 120. Should disturbances occur, or should anything happen indicating the likelihood of the occurrence of events of such a character in any part whatsoever of Iraq, or should there be a menace of hostile attack upon any part whatsoever of Iraq, the King shall have power, subject to the approval of the Council of Ministers, to proclaim martial law provisionally in those districts of Iraq exposed to the danger of disturbances or attacks. The application of the existing laws and regulations may be suspended by the proclamation declaring martial law in force, in such places and to such extent as may be prescribed in such proclamation, provided that those charged with the execution of the proclamation shall be subject to any legal consequences of their acts, until a special law has been passed by Parliament exempting them therefrom. The method of administration of the places in which martial law has been declared to be in force shall be prescribed by Royal *Irada.*

(as added October 27, 1943) Upon the occurrence of danger or rebellion or anything which disturbs the peace, in any part of Iraq, the King may, with the consent of the Council of Ministers, notify a state of emergency in the whole of Iraq, or in any part thereof. The districts affected by the notification shall be administered in accordance with a special law, which shall provide for trial, by Special Courts, of those who commit specified offences, and prescribe the administrative measures to be taken by specified authorities.

Art. 121. Should it be necessary to interpret any provision of law:

1) Should the interpretation relate to the provisions of this Constitution, it shall appertain to the High Court, as stated in Part V of this law.

2) Should the interpretation relate to any law connected with the administration of public affairs, it shall appertain to the Diwan Khas as stated in Part V of this law.

3) Any other matters requiring interpretation shall appertain to the Courts of Justice having jurisdiction in the cases in which need for interpretation arises.

Art. 122. The Department of Islamic Waqfs shall be considered to be an official Government Department, its affairs being administered and its finances regulated in accordance with a special law.

Art. 123. (as added October 27, 1943)

Parliament may not pass any law granting pardon to persons who have committed offences which are directed to changing the form of Government or changing the Government or constraining the King or the Government, by pressure or threats, to do any act.

Art. 124. (as added October 27, 1943)

Constitutional methods which are not mentioned in, nor forbidden by, this law, but are practised by Constitutional States, may be adopted by decision of Parliament in joint Assembly, and observed as constitutional rules.

Art. 125. This law shall come into force from the date on which it is confirmed by the King.

ELECTORAL LAW FOR THE IRAQ CHAMBER OF DEPUTIES

Bagdad, October 22, 1924

Preliminary: General Provisions

1. This law shall be called "The Electoral Law for the Chamber of Deputies."

2. In this law the expression—

"Iraqi" shall mean any person who possessses Iraq nationality.

"Primary elector" shall mean any person entitled to vote for the purpose of electing secondary electors.

"Secondary elector" shall mean a person elected by primary electors for the purpose of electing deputies.

"Deputy" shall mean a person elected by secondary electors to be a member of the Chamber of Deputies.

3. All male Iraqis whose names are inscribed in the electoral registers as prescribed by article 20 shall be primary electors, except the following persons, namely, any male person who—

(1) Has not completed his 20th year.

(2) Is or claims to be of foreign nationality or under foreign protection.

(3) Is a bankrupt who has not been rehabilitated.

(4) Has had an order of inhibition passed against him which has not been released.

(5) Has lost his civil rights.

(6) Has been convicted of any crime whatever or of mis-

demeanour affecting his honour, such as theft, bribery, misappropriation, forgery, fraud and similar offences.

(7) Pays no tax whatever to the Government or a municipality. The occupier of a house or a place which pays a tax to the Government or to the municipality shall be treated as if paying the tax himself.

(8) Is a lunatic or is mentally defective.

4. Any person qualified to be a primary elector may be a secondary elector, provided that he shall have completed his 25th year.

5. Each Liwa shall form an electoral college and each Nahiyah or quarter a section thereof, provided that in certain cases several quarters may be included in one section. If any difference arises as to the boundaries of a section, it shall be decided by the committee of inspection hereinafter described.

6. Each Liwa shall have 1 deputy for each 20,000 males of its inhabitants. If the number of males in a Liwa is not less than 10,000 but less than 20,000, that Liwa shall have 1 deputy; if the number of males attain 30,000, the Liwa shall have 2 deputies; if it attains 50,000, the Liwa shall have 3 deputies, and if it attains 70,000, the Liwa shall have 4 deputies; and so on.

The Christian and Jewish minorities shall have the following number of deputies:—

Mosul Liwa: 2 Christians, 1 Jew.
Bagdad Liwa: 1 Christian, 2 Jews.
Basrah Liwa: 1 Christian, 1 Jew.

This shall be in addition to the number of deputies to be elected for each of the above-mentioned Liwas in proportion to the total number of their inhabitants.

7. Secondary electors shall be elected in the proportion of 1 secondary elector to every 250 primary electors. In the event of a section containing more than this number of primary electors, the number of secondary electors shall be as follows:—

From 401 to 650: 2.
From 651 to 900: 3.
From 901 to 1,150: 4; and so on.

A section which contains less than 250 and more than 150 shall elect 1 secondary elector. A section containing less than 150 should be amalgamated with the neighbouring one.

8. The electoral colleges shall be grouped into three circles:—

The first circle, which comprises the Liwas of Mosul, Kirkuk, Sulaimani and Arbil.

The second circle, which comprises the Liwas of Bagdad, Diyala, Dulaim, Hillah, Karbala, Kut and Diwaniyah.

The third circle, which comprises the Liwas of Muntafiq, 'Amarah and Basrah.

No circle shall elect a deputy from the inhabitants from another circle.

CHAPTER I.—PREPARATION OF ELECTORAL REGISTERS

9. There shall be formed in each electoral section committees for the preparation of lists of primary electors in the following manner:—

In each village or quarter the notables will choose from among themselves 3 individuals who will meet with the mukhtar or his deputy and proceed with the preparation of the lists immediately on the issue of a Royal Irada for the purpose. These lists shall be completed within 10 days.

10. The lists shall be prepared in the following manner:—

The committee shall register the names of all male Iraqis among the inhabitants of the village or quarter who have completed the 20th year of age, reference being made where necessary to the census register in order to avert omissions and errors. The list shall contain a column in which shall be set out the disqualifications mentioned in article 3.

In setting out these disqualifications, the committee shall base its decision on its investigations and, in so far as may be possible, on official records.

If any doubt arises as to whether a person be entitled to vote or not, a note to that effect shall be entered against his name in the list and the matter shall be decided later on by the committee of inspection hereinafter mentioned.

11. Two copies of the electoral lists shall be forwarded to the Mudir of the Nahiyah. In the headquarters of Qadhas and Liwas, these shall be forwarded to the Qaimmaqam or Mutasarrif, as the case may be (called in this law "the heads of administration"). The lists so received shall then be amalgamated and entered in one single register belonging to that electoral section.

12. Two copies of the aforesaid registers containing the names of primary electors in each of the electoral sections shall be forwarded to the Qaimmaqam in the Qadhas or the Mutasarrif in the Liwas and one copy shall be forwarded to the committee of inspection.

13. The committee of inspection hereinafter prescribed shall check the registers received by it and ascertain that they are prepared in accordance with the instructions issued for the purpose and are free from omissions, errors and fraud. For the purpose of ascertaining facts, it may, when necessary, summon before it any person from the neighbouring places whom it may desire to summon, or send some of its members to the villages. It shall complete its work of checking within 15 days.

14. On completion of the examination and correction, the committee of inspection shall return to the sections one copy of the electoral registers of each section, the other copy being retained in the Baladiyah of the Qadha. It shall also draw up a statement showing the number of primary electors in each electoral section and another statement showing the total number of primary electors in the Qadha and shall submit it to the Mutasarrif of the Liwa.

15. On receipt of the corrected registers at the electoral sections, the Mudir of the Nahiyah, or the head of administration, as the case may be, shall enter the necessary corrections in the village and quarter lists and shall send them back to the mukhtars. The corrected lists shall be posted for 7 days in suitable places in the villages and quarters for the inhabitants to inspect their contents; the fact of the lists having been so posted shall be published by such means as may be available.

16. Any person may within the period of 7 days provided in the preceding article object to the undue registration of any name or to the omission of any name which should have been registered. Such objection shall be made on a plain (unstamped) sheet of paper addressed to the committee of inspection. The committee shall enquire into the objection within 3 days at most and shall notify the objector of the decision taken by its majority with the grounds thereof. If the objection is upheld the registers shall be corrected accordingly, and if rejected the objector may, if he is not satisfied, bring the case before the court of the Qadha which will be an appellate court for the purpose of cases arising from the elections. A written application

must be presented for this purpose within 3 days from the date of service of the decision. If the objection is upheld the registers shall be corrected accordingly. After the expiry of the above period, no case shall lie. If there is not a court of the Qadha, application shall be made to the nearest court in the same Liwa. The decision of the court shall be given within 3 days and shall not be liable to appeal or revision. No fee shall on any account be charged. After the expiry of 7 days the notices which have been posted shall be taken down and no further objection shall be heard.

17. On receipt of the statements mentioned in article 14, the Mutasarrif shall forward them to the committee of inspection in the Liwa headquarters for the submission of a statement showing the number of primary electors for each electoral section and for each Qadha and the total number of primary electors in the Liwa, and signed by him and by the members of the committee of inspection. This statement shall be forwarded to the Ministry of the Interior.

18. The lists, registers and statements mentioned hereinbefore shall be revised yearly and corrected in accordance with the procedure laid down in the preceding articles, provided that the work of revision and correction in the electoral sections shall be completed before the 15th day of January in each year.

19. The committees of inspection in the Qadhas shall be composed of from 7 to 15 members, according to the size of the Qadha, in the following manner: —

On receipt of orders for proceeding with the election, the body of elders of each mahallah will depute 5 individuals from among the inhabitants of the mahallah. These will meet together and elect by secret ballot the required number for the committee of inspection. The Rais Baladiyah shall preside over the committee of inspection, and in places where there is no Rais Baladiyah the members shall elect by secret ballot a president from among themselves.

Travelling and ordinary expenses incurred on all matters relating to elections will be met from the municipal treasury.

Chapter II.—The Manner of Electing Secondary Electors

20. The election shall be held at the headquarters of each electoral section under the supervision of a committee of election composed of the body of elders of the headquarters of the section. The

progress of the election shall be supervised by a member of the committee of inspection deputed for the purpose and chosen by drawing lots. For facilitating the conduct of elections a large section may be divided into a number of sub-sections.

21. The voting papers shall be prepared and sealed by the committee of inspection. The number forwarded to the electoral section shall be equal to the number of primary electors in that section's register.

22. The voting boxes shall be of such size and shape as may be prescribed by the committee of inspection. Each box shall have in its top an oblong aperture large enough to receive a folded voting paper and shall have two locks not capable of being opened by the same key.

23. The member deputed by the committee of inspection to proceed to the headquarters of an electoral section shall arrive there 2 days before the day fixed for the election, taking with him the voting box and the voting papers belonging to that section. On his arrival there he shall meet the committee of election and announce the day, hour and place of election. The section may be divided into subsections, and a day for election fixed for each sub-section. The committee shall explain to all the primary electors, by such means as may be possible, the purpose of the election and the manner of conducting it as laid down in this law.

24. On the day fixed for voting the committee shall assemble at the appointed place and shall call up the electors of the various villages and quarters at the time assigned to them. The voting box shall be opened and shown to be empty and then locked, one key being kept with the member deputed by the committee of inspection and the other with the eldest member of the committee of election. Each elector shall receive a voting paper, on which he shall write the names of those he desires to be secondary electors, the number of names being fixed according to the proportion prescribed in article 7 hereof. An elector who cannot write may depute some other person to write for him. If more names than the correct number are written the names first written up to the correct number shall be accepted and the remainder disregarded. If the same name be written more than once it shall be reckoned once only. Illegible and ambiguous names shall be disregarded.

25. A sufficient period being allowed after the distribution of the voting papers, they should be collected from the electors present, beginning from the members of the committee if they are entitled to vote in that section. The clerk of the committee shall ask every elector who presents his voting paper to state his name, surname and domicile, and if this statement is verbally confirmed by the mukhtar, the clerk shall make a note against his name in the register, and he shall be allowed to cast his voting paper in the box. The electoral committee shall take care that an elector does not cast into the box more than one paper.

26. When the electors of a village or quarter have placed their voting papers in the box, the mukhtar shall announce that the electors of that village or quarter have voted. The clerk shall then seal the list of electors with the seals of the members of the committee after having noted down the number of electors who have attended and that of those who have not attended. This process shall then be repeated for the next village or quarter.

27. Any person who produces a voting paper after the votes of his village or quarter have been cast and the residents of his village have withdrawn shall not be allowed to vote and shall be deemed to have forfeited his right to vote by his delay. Voting by proxy shall not be allowed, and no one who is absent may forward his voting paper though he may have an excuse for absence. If by the evening the voting remains uncompleted, the committee shall paste a piece of paper over the aperture of the box and fasten it with a string. This string shall then be sealed on both sides with the seals of all the members, who shall also seal the locks. The box shall then be kept in a safe place appointed by the committee, and special care shall be taken in guarding it. In the morning the members, after ascertaining that their seals have not been tampered with, shall remove them and the casting of voting papers shall be resumed.

28. After all the electors have voted, the box shall be opened in the presence of the majority of the members of the electoral committee. The papers shall be counted and replaced in the box without being read, and a statement shall be forthwith drawn up showing the number of electors who have voted in the Nahiyah or section and the number of papers found in the box.

29. Any paper not bearing the seal of the committee shall be

void. If there be found a number of papers in excess of the number of persons noted in the register as having voted, the committee shall be held responsible for the irregularity, and after taking a number of papers equal to the number of primary electors who have attended, the rest in excess shall be withdrawn. The matter shall be reported forthwith to the head of administration, who will cause enquiries to be made into the irregularity.

30. After the papers have been counted, the names written thereon shall be recorded as follows: The names shall be read out and shall be written down on large sheets of paper, and as each name is read out the figure 1 shall be marked against it. In order that the box may not be left open only so many papers should be taken out as can be dealt with during the day and the box shall be locked, fastened with a string and sealed on both sides of the string and on the aperture with the seals of all the members present. It shall then be kept in a secure place, the door of which shall be likewise sealed. Every evening the papers which have been sorted shall be placed in a bag, which shall be sealed, and a statement shall be drawn up showing the number of votes won by each of the secondary electors. After all the papers have been sorted the electoral committee shall give to each person who has won a majority of votes a statement to the effect that he is a secondary elector, and a statement of the result of the election shall be signed by all the members of the committee and handed to the member deputed by the committee of inspection, who shall submit it to the committee of inspection. If for any reason the place of a secondary elector falls vacant, his place shall be filled by the winner of the next largest number of votes from among the primary electors as shown in the last-mentioned statement.

31. On receipt of the statements mentioned in the preceding article, the committee of inspection of the Qadha shall enter the names of all secondary electors in a special register, section by section.

CHAPTER III.—THE MANNER OF ELECTING DEPUTIES

32. Any person entitled to be primary elector may be a deputy except a person who—

(1) Has not completed his 30th year.

(2) Has been sentenced to imprisonment for a period not less than a year on account of a crime other than political, or has been

sentenced to imprisonment on account of theft, bribery, breach of trust, forgery, fraud or any other crime which affects his honour in general.

(3) Has a material interest, direct or indirect, arising from any contract with any public department of Iraq, unless such interest arises through his being a shareholder in any association composed of more than 25 persons; multazims or tithes and lessees of Government lands and property are excepted.

(4) Is related to the King within such degrees of consanguinity as may be prescribed by law.

33. A person qualified to be elected as a deputy may only represent one college. If it happens that a person be elected for more than one college, he may choose, within 8 days from the date of his being informed, which college he will represent. Officials who are elected may choose between accepting and refusing election, and those who accept election must give up their Government appointments within the said period, except Ministers.

34. On the date and the hour fixed by the committee of inspection the secondary electors shall present themselves and shall be given voting papers sealed with the seal of the committee, and shall be informed of the number of deputies to be elected for the Liwa, with specific indication of the number of Jews and Christians who must be elected. Each one of them shall write the correct number of names upon his paper, giving, for the avoidance of ambiguity, the names and surnames of the persons he has elected. A secondary elector who cannot write may employ any person present to write for him: provided that he shall not withdraw from the meeting for the purpose. In case the number of names on any paper be in excess or deficient, the procedure shall be that described in article 24.

35. The voting box shall be placed on a table, at the place of meeting, in front of the committee of inspection, for the voting papers to be dropped into it. Before any papers are dropped into this box, it shall be opened and shown to those present in order to assure them that it is empty. It shall then be closed and a sheet of paper sealed by the committee and three of the secondary electors, shall be fastened upon the lock.

36. The committee of inspection shall call up the secondary electors one after another in the order in which their names are regis-

tered. They shall then proceed to vote, care being taken by the committee of inspection that no elector shall place more than one paper in the box. No person shall vote unless his statement shall have been checked by the committee either before or at the time of voting.

37. If not less than 80 per cent. of the total number of secondary electors appear on the day fixed for voting, the box shall be opened and the voting papers examined. The names of the persons who have obtained any votes shall be noted in a special statement, which shall be sent to the Mutasarrif of the Liwa. If less than 80 per cent. of the total number of secondary electors appear, the box shall not be opened, but a sheet of paper shall be placed on its aperture and shall be sealed by the committee of inspection. The voting shall then be adjourned to another day and notice shall be given to those secondary electors who have not appeared asking them to come on that other day. There shall be only one such adjournment.

38. The voting box shall be opened by the committee of inspection when all secondary electors have voted. If the voting has been adjourned, as described in the preceding article, then it shall be opened when voting is finished on the second day, or, if all have not voted at the end of the said day, no person may vote after the box is opened.

39. After the box has been opened, the voting papers shall be counted and read publicly. The name of any person elected to be a deputy shall be written down, and as each name is read out the figure 1 shall be marked against it in the list, until all the voting papers have been read. The votes given for each person shall thus be counted and a statement shall be drawn up showing the totals.

This statement shall show the name of any person who obtained any vote whatever, the number of votes obtained by him being entered against his name in words and figures, and shall be sent to the heads of administration.

40. Upon receipt of the statements mentioned in the preceding article from all Qadhas, the Mutasarrif shall assemble the committee of inspection elected from the Liwa headquarters, together with a number of notables. Candidates for election as deputies or their representatives are at liberty to be present. The names of those who have obtained votes shall be read out and recorded Qadha

by Qadha, and the persons who have obtained a majority of votes shall be the deputies of the Liwa. In the case of equality of votes, the decision shall be by lot. The number of Jewish and Christian deputies to be elected in accordance with article 6 shall be ascertained according to the majority they obtain among the candidates of their own religion without regard to the votes obtained by persons of other religions.

41. After the names of the deputies have been ascertained a statement shall be prepared signed by the committee of inspection and then by the Mutasarrif, showing the names of those who have been elected to be deputies and the number of votes obtained by them. A certified copy of this statement shall be given to each one who has been elected to be a deputy and copies shall be sent to the Minister of the Interior and the Secretariat of the Chamber of Deputies. No elected candidate shall be finally recognised as a deputy unless his statement be authenticated by the Chamber of Deputies.

Chapter IV.—Miscellaneous Provisions

42–47.

Chapter V.—Offences against this Law

48–50.

51. This law shall come into force and the election for the first session shall be proceeded with from the date of its publication[1] in the "Official Gazette."

52. The Minister of the Interior is charged with the execution of this law.

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[1] November 27, 1924.

TREATY OF ALLIANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS MAJESTY THE KING OF IRAQ[1]

June 30, 1930

His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India,

And His Majesty the King of Iraq,

Whereas they desire to consolidate the friendship and to maintain and perpetuate the relations of good understanding between their respective countries; and

Whereas His Britannic Majesty undertook in the Treaty of Alliance signed at Baghdad on the 13th of January, 1926, that he would take into active consideration at successive intervals of four years the question whether it was possible for him to press for the admission of Iraq into the League of Nations; and

Whereas His Majesty's Government in the United Kingdom of Great Britain and Northern Ireland informed the Iraq Government without qualification or proviso on the 14th of September, 1929, that they were prepared to support the candidature of Iraq for admission to the League of Nations in the year 1932 and announced to the Council of the League on the 4th of November, 1929, that this was their intention; and

Whereas the mandatory responsibilities accepted by His Britannic Majesty in respect of Iraq will automatically terminate upon the admission of Iraq to the League of Nations; and

Whereas His Britannic Majesty and His Majesty the King of Iraq consider that the relations which will subsist between them as independent sovereigns should be defined by the conclusion of a Treaty of Alliance and Amity:

Have agreed to conclude a new Treaty for this purpose on terms of complete freedom, equality and independence which will become operative upon the entry of Iraq into the League of Nations. . . .[2]

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[1] Cf. also the Convention between the United States, Great Britain, and Iraq, signed at London, January 9, 1930, *Rights of the United States of America and of its Nationals in Iraq*. Treaty Series No. 835. Government Printing Office, Washington, 1931.—Ed.

[2] Iraq was admitted to the League of Nations October 3, 1932. See p. 149 n. 1.—Ed.

Art. 1. There shall be perpetual peace and friendship between His Britannic Majesty and His Majesty the King of Iraq.

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding and their good relations, and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

Art. 2. Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited.

Art. 3. Should any dispute between Iraq and a third State produce a situation which involves the risk of a rupture with that State, the High Contracting Parties will concert together with a view to the settlement of the said dispute by peaceful means in accordance with the provisions of the Covenant of the League of Nations and of any other international obligations which may be applicable to the case.

Art. 4. Should, notwithstanding the provisions of Article 3 above, either of the High Contracting Parties become engaged in war, the other High Contracting Party will, subject always to the provisions of Article 9 below, immediately come to his aid in the capacity of an ally. In the event of an imminent menace of war the High Contracting Parties will immediately concert together the necessary measures of defence. The aid of His Majesty the King of Iraq in the event of war or the imminent menace of war will consist in furnishing to His Britannic Majesty on Iraq territory all facilities and assistance in his power including the use of railways, rivers, ports, aerodromes and means of communication.

Art. 5. It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in Iraq and, subject to the provisions of Article 4 above, for the defence of Iraq from external aggression rests with His Majesty the King of Iraq. Nevertheless His Majesty the King of Iraq recognises that the permanent maintenance and protection in all circumstances of the essential communications of His Britannic Majesty is in the common interest of the High Contracting Parties. For this purpose and in order to facilitate the discharge of the obligations of His Britannic Majesty under Article 4 above His Majesty the King of Iraq undertakes to grant to His Britannic Majesty for the duration of the Alliance sites for air bases to be selected by His Britannic Majesty at or in the vicinity of Basra and for an air base to be selected by His Britannic Majesty to the west of the Euphrates. His Majesty the King of Iraq further authorises his Britannic Majesty to maintain forces upon Iraq territory at the above localities in accordance with the provisions of the Annexure of this Treaty on the understanding that the presence of those forces shall not constitute in any manner an occupation and will in no way prejudice the sovereign rights of Iraq.

Art. 6. The Annexure hereto shall be regarded as an integral part of the present Treaty.

Art. 7. This Treaty shall replace the Treaties of Alliance signed at Baghdad on the 10th day of October, 1922, and on the 13th day of January, 1926, and the subsidiary agreements thereto, which shall cease to have effect upon the entry into force of this Treaty. It shall be executed in duplicate, in the English and Arabic languages, of which the former shall be regarded as the authoritative version.

Art. 8. The High Contracting Parties recognise that, upon the entry into force of this Treaty, all responsibilities devolving under the Treaties and Agreements referred to in Article 7 hereof upon His Britannic Majesty in respect of Iraq will, in so far as His Britannic Majesty is concerned, then automatically and completely come to an end, and that such responsibilities, in so far as they continue at all, will devolve upon His Majesty the King of Iraq alone.

It is also recognised that all responsibilities devolving upon His Britannic Majesty in respect of Iraq under any other international instrument, in so far as they continue at all, should similarly devolve upon His Majesty the King of Iraq alone, and the High Contracting Parties shall immediately take such steps as may be necessary to secure the transference to His Majesty the King of Iraq of these responsibilities.

Art. 9. Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the

Covenant of the League of Nations or the Treaty for the Renunciation of War signed at Paris on the 27th day of August, 1928.

Art. 10. Should any difference arise relative to the application or the interpretation of this Treaty and should the High Contracting Parties fail to settle such difference by direct negotiation, then it shall be dealt with in accordance with the provisions of the Covenant of the League of Nations.

Art. 11. This Treaty shall be ratified and ratifications shall be exchanged as soon as possible. Thereafter it shall come into force as soon as Iraq has been admitted to membership of the League of Nations.

The present Treaty shall remain in force for a period of twenty-five years from the date of its coming into force. At any time after twenty years from the date of the coming into force of this Treaty, the High Contracting Parties will, at the request of either of them, conclude a new Treaty which shall provide for the continued maintenance and protection in all circumstances of the essential communications of His Britannic Majesty. In case of disagreement in this matter the difference will be submitted to the Council of the League of Nations.

Annexure to the Treaty of Alliance

1. The strength of the forces maintained in Iraq by His Britannic Majesty in accordance with the terms of Article 5 of this Treaty shall be determined by His Britannic Majesty from time to time after consultation with His Majesty the King of Iraq.

His Britannic Majesty shall maintain forces at Hinaidi for a period of five years after the entry into force of this Treaty in order to enable His Majesty the King of Iraq to organise the necessary forces to replace them. By the expiration of that period the said forces of His Britannic Majesty shall have been withdrawn from Hinaidi. It shall be also open to His Britannic Majesty to maintain forces at Mosul for a maximum period of five years from the entry into force of this Treaty. Thereafter it shall be open to His Britannic Majesty to station his forces in the localities mentioned in Article 5 of this Treaty, and His Majesty the King of Iraq will grant to His Britannic Majesty for the duration of the Alliance leases of the necessary sites for the accommodation of the forces of His Britannic Majesty in those localities.

2. Subject to any modifications which the two High Contracting Parties may agree to introduce in the future, the immunities and privileges in jurisdictional and fiscal matters, including freedom from taxation, enjoyed by the British forces in Iraq will continue to extend to the forces referred to in Clause 1 above and to such of His Britannic Majesty's forces of all arms as may be in Iraq in pursuance of the present Treaty and its annexure or otherwise by agreement between the High Contracting Parties, and the existing provisions of any local legislation affecting the armed forces of His Britannic Majesty in Iraq shall also continue. The Iraq Government will take the necessary steps to ensure that the altered conditions will not render the position of the British forces as regards immunities and privileges in any way less favourable than that enjoyed by them at the date of the entry into force of this Treaty.

3. His Majesty the King of Iraq agrees to provide all possible facilities for the movement, training and maintenance of the forces referred to in Clause 1 above and to accord to those forces the same facilities for the use of wireless telegraphy as those enjoyed by them at the date of the entry into force of the present Treaty.

4. His Majesty the King of Iraq undertakes to provide at the request and at the expense of his Britannic Majesty and upon such conditions as may be agreed between the High Contracting Parties special guards from his own forces for the protection of such air bases as may, in accordance with the provisions of this Treaty, be occupied by the forces of His Britannic Majesty, and to secure the enactment of such legislation as may be necessary for the fulfilment of the conditions referred to above.

5. His Britannic Majesty undertakes to grant whenever they may be required by His Majesty the King of Iraq all possible facilities in the following matters, the cost of which will be met by His Majesty the King of Iraq.

1. Naval, military and aeronautical instruction of Iraqi officers in the United Kingdom.

2. The provision of arms, ammunition, equipment, ships and aeroplanes of the latest available pattern for the forces of His Majesty the King of Iraq.

3. The provision of British naval, military and air force of-

ficers to serve in an advisory capacity with the forces of His Majesty the King of Iraq.

6. In view of the desirability of identity in training and methods between the Iraq and British armies, His Majesty the King of Iraq undertakes that, should he deem it necessary to have recourse to foreign military instructors, these shall be chosen from amongst British subjects.

He further undertakes that any personnel of his forces that may be sent abroad for military training will be sent to military schools, colleges and training centres in the territories of His Britannic Majesty, provided that this shall not prevent him from sending to any other country such personnel as cannot be received in the said institutions and training centres.

He further undertakes that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Britannic Majesty.

7. His Majesty the King of Iraq agrees to afford, when requested to do so by His Britannic Majesty, all possible facilities for the movement of the forces of His Britannic Majesty of all arms in transit across Iraq and for the transport and storage of all supplies and equipment that may be required by these forces during their passage across Iraq. These facilities shall cover the use of the roads, railways, waterways, ports and aerodromes of Iraq, and His Britannic Majesty's ships shall have general permission to visit the Shatt-al-Arab on the understanding that His Majesty the King of Iraq is given prior notification of visits to Iraq ports.[1]

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[1] The Treaty of Alliance is accompanied by several notes exchanged between the British High Commissioner in Iraq and the Prime Minister and Minister for Foreign Affairs in Baghdad together with notes exchanged embodying a separate Financial Agreement.—ED.

DECLARATION OF THE KINGDOM OF IRAQ, MADE AT BAGHDAD ON MAY 30TH, 1932, ON THE OCCASION OF THE TERMINATION OF THE MANDATORY REGIME IN IRAQ, AND CONTAINING THE GUARANTEES GIVEN TO THE COUNCIL BY THE IRAQI GOVERNMENT[1]

CHAPTER I.

PROTECTION OF MINORITIES

Article 1

The stipulations contained in the present chapter are recognised as fundamental laws of Iraq, and no law, regulation or official action shall conflict or interfere with these stipulations, nor shall any law, regulation or official action now or in the future prevail over them.

Article 2

1. Full and complete protection of life and liberty will be assured to all inhabitants of Iraq without distinction of birth, nationality, language, race or religion.

2. All inhabitants of Iraq will be entitled to the free exercise, whether public or private, of any creed, religion or belief, whose practices are not inconsistent with public order or public morals.

Article 3

Ottoman subjects habitually resident in the territory of Iraq on August 6th, 1924, shall be deemed to have acquired on that date Iraqi nationality to the exclusion of Ottoman nationality in accordance with Article 30 of the Lausanne Peace Treaty and under the conditions laid down in the Iraqi Nationality Law of October 9th, 1924.

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[1] Upon this Declaration the Sixth Committee of the 13th Assembly (Political Questions) of the League of Nations approved a report of its Sub-Committee on the Application of the Kingdom of Iraq for Admission to Membership of the League of Nations. The Sub-Committee's report stated that the general conditions laid down by the Council for the termination of the Mandate had been fulfilled. On October 1, 1932, the Committee unanimously recommended that the Assembly should admit the Kingdom of Iraq to the League of Nations. On October 3, 1932, the Assembly, in its Sixth Plenary Meeting, admitted Iraq to the League. All fifty-two delegations taking part in the ballot voted for the admission of Iraq. See League of Nations, *Official Journal*, July, 1932, p. 1212; *ibid.*, *Special Supplement* No. 109, Records of the 13th Ordinary Session of the Assembly, 1932, Meetings of the Committees, *Minutes of the Sixth Committee* (Political Questions), pp. 9, 14-16, September 29 and October 1, 1932; *ibid.*, *Special Supplement* No. 104, pp. 46-48 (Sixth Plenary Meeting, October 3, 1932). The termination of the mandatory regime was preceded by a Treaty of Alliance with the United Kingdom. See pp. 143-148.—ED.

Article 4

1. All Iraqi nationals shall be equal before the law and shall enjoy the same civil and political rights without distinction as to race, language or religion.

2. The electoral system shall guarantee equitable representation to racial, religious and linguistic minorities in Iraq.

3. Differences of race, language or religion shall not prejudice any Iraqi national in matters relating to the enjoyment of civil or political rights, as, for instance, admission to public employments, functions and honours, or the exercise of professions or industries.

4. No restriction will be imposed on the free use by any Iraqi national of any language, in private intercourse, in commerce, in religion, in the Press or in publications of any kind, or at public meetings.

5. Notwithstanding the establishment by the Iraqi Government of Arabic as the official language, and notwithstanding the special arrangements to be made by the Iraqi Government, under Article 9 of the present Declaration, regarding the use of the Kurdish and Turkish languages, adequate facilities will be given to all Iraqi nationals whose mother tongue is not the official language, for the use of their language, either orally or in writing, before the courts.

Article 5

Iraqi nationals who belong to racial, religious or linguistic minorities will enjoy the same treatment and security in law and in fact as other Iraqi nationals. In particular, they shall have an equal right to maintain, manage and control at their own expense, or to establish in the future, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

Article 6

The Iraqi Government undertakes to take, as regards non-Moslem minorities, in so far as concerns their family law and personal status, measures permitting the settlement of these questions in accordance with the customs and usage of the communities to which those minorities belong.

The Iraqi Government will communicate to the Council of the League of Nations information regarding the manner in which these measures have been executed.

Article 7

1. The Iraqi Government undertakes to grant full protection, facilities and authorisation to the churches, synagogues, cemeteries and other religious establishments, charitable works and pious foundations of minority religious communities existing in Iraq.

2. Each of these communities shall have the right of establishing councils, in important administrative districts, competent to administer pious foundations and charitable bequests. These councils shall be competent to deal with the collection of income derived therefrom, and the expenditure thereof in accordance with the wishes of the donor or with the custom in use among the community. These communities shall also undertake the supervision of the property of orphans, in accordance with law. The councils referred to above shall be under the supervision of the Government.

3. The Iraqi Government will not refuse, for the formation of new religious or charitable institutions, any of the necessary facilities which may be guaranteed to existing institutions of that nature.

Article 8

1. In the public educational system in towns and districts in which are resident a considerable proportion of Iraqi nationals whose mother tongue is not the official language, the Iraqi Government will make provision for adequate facilities for ensuring that in the primary schools instruction shall be given to the children of such nationals through the medium of their own language; it being understood that this provision does not prevent the Iraqi Government from making the teaching of Arabic obligatory in the said schools.

2. In towns and districts where there is a considerable proportion of Iraqi nationals belonging to racial, religious or linguistic minorities, these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets for educational, religious or charitable purposes.

Article 9

1. Iraq undertakes that in the liwas of Mosul, Arbil, Kirkuk and Sulaimaniya, the official language, side by side with Arabic, shall be Kurdish in the qadhas in which the population is predominantly of Kurdish race.

In the qadhas of Kifri and Kirkuk, however, in the liwa of Kirkuk, where a considerable part of the population is of Turcoman race, the official language, side by side with Arabic, shall be either Kurdish or Turkish.

2. Iraq undertakes that in the said qadhas the officials shall, subject to justifiable exceptions, have a competent knowledge of Kurdish or Turkish as the case may be.

3. Although in these qadhas the criterion for the choice of officials will be, as in the rest of Iraq, efficiency and knowledge of the language, rather than race, Iraq undertakes that the officials shall, as hitherto, be selected, so far as possible, from among Iraqis from one or other of these qadhas.

Article 10

The stipulations of the foregoing articles of this Declaration, so far as they affect persons belonging to racial, religious or linguistic minorities, are declared to constitute obligations of international concern and will be placed under the guarantee of the League of Nations. No modification will be made in them without the assent of a majority of the Council of the League of Nations.

Any Member of the League represented on the Council shall have the right to bring to the attention of the Council any infraction or danger of infraction of any of these stipulations, and the Council may thereupon take such measures and give such directions as it may deem proper and effective in the circumstances.

Any difference of opinion as to questions of law or fact arising out of these articles between Iraq and any Member of the League represented on the Council shall be held to be a dispute of an international character under Article 14 of the Covenant of the League of Nations. Any such dispute shall, if the other party thereto demands, be referred to the Permanent Court of International Justice. The decision of the Permanent Court shall be final and shall have the same force and effect as an award under Article 13 of the Covenant.

CHAPTER II.

Article 11

Most-favoured-nation Clause. 1. Subject to reciprocity, Iraq undertakes to grant to Members of the League most-favoured-nation treatment for a period of ten years from the date of its admission to membership of the League of Nations.

Nevertheless, should measures taken by any Member of the League of Nations, whether such measures are in force at the abovementioned date or are taken during the period contemplated in the preceding paragraph, be of such a nature as to disturb to the detriment of Iraq the balance of trade between Iraq and the Member of the League of Nations in question, by seriously affecting the chief exports of Iraq, the latter, in view of its special situation, reserves to itself the right to request the Member of the League of Nations concerned to open negotiations immediately for the purpose of restoring the balance.

Should an agreement not be reached by negotiation within three months from its request, Iraq declares that it will consider itself as freed, *vis-à-vis* of the Member of the League in question, from the obligation laid down in the first sub-paragraph above.

2. The undertaking contained in paragraph 1 above shall not apply to any advantages which are, or may in the future, be accorded by Iraq to any adjacent country in order to facilitate frontier traffic, or to those resulting from a Customs union concluded by Iraq. Nor shall the undertaking apply to any special advantages in Customs matters which Iraq may grant to goods the produce or manufacture of Turkey or of any country whose territory was in 1914 wholly included in the Ottoman Empire in Asia.

Article 12

Judicial Organisation. A uniform system of justice shall be applicable to all, Iraqis and foreigners alike. It shall be such as effectively to ensure the protection and full exercise of their rights both to foreigners and to nationals.

The judicial system at present in force, and based on Articles 2, 3 and 4 of the Agreement between the Mandatory Power and Iraq, signed on March 4th, 1931, shall be maintained for a period of 10 years from the date of the admission of Iraq to membership of the League of Nations.

Appointments to the posts reserved for foreign jurists by Article 2 of the said Agreement shall be made by the Iraqi Government. Their holders shall be foreigners, but selected without distinction of nationality; they must be fully qualified.

Article 13

International Conventions. Iraq considers itself bound by all the international agreements and conventions, both general and special, to which it has become a party, whether by its own action or by that of the Mandatory Power acting on its behalf. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by Iraq throughout the period for which they were concluded.

Article 14

Acquired Rights and Financial Obligations. Iraq, taking note of the resolution of the Council of the League of Nations of September 15th, 1925:

1. Declares that all rights of whatever nature acquired before the termination of the mandatory regime by individuals, associations or juridical persons shall be respected.
2. Undertakes to respect and fulfil all financial obligations of whatever nature assumed on Iraq's behalf by the Mandatory Power during the period of the Mandate.

Article 15

Freedom of Conscience. Subject to such measures as may be essential for the maintenance of public order and morality, Iraq undertakes to ensure and guarantee throughout its territory freedom of conscience and worship and the free exercise of the religious, educational and medical activities of religious missions of all denominations, whatever the nationality of those missions or of their members.

Article 16

Final Clause. The provisions of the present chapter constitute obligations of international concern. Any Member of the League of Nations may call the attention of the Council to any infraction of these provisions. They may not be modified except by agreement between Iraq and the Council of the League of Nations acting by a majority vote.

Any difference of opinion which may arise between Iraq and any Member of the League of Nations represented on the Council, with regard to the interpretation or the execution of the said provisions, shall, by an application by such Member, be submitted for decision to the Permanent Court of International Justice.

The undersigned, duly authorised, accepts on behalf of Iraq, subject to ratification, the above provisions, being the declaration provided for by the resolution of the Council of the League of Nations of May 19th, 1932.

TREATY OF ARAB BROTHERHOOD

TREATY BETWEEN THE KINGDOM OF IRAQ AND THE KINGDOM OF SAUDI ARABIA

APRIL 6, 1936

(14TH OF THE SACRED MONTH OF MUHARRAM, 1355 A.H.)

In the name of Allah the Compassionate, the Merciful!
His Majesty the King of Iraq,
His Majesty, King of the Kingdom of Saudi Arabia,
In virtue of the Islamic bond and ethnic unity which bind them, and pursuant of the preservation of their countries;
And in virtue of the urgent necessity for cooperation between them, and of mutual understanding in matters that concern the interest of their respective Kingdoms, have agreed to enter into an Arabian fraternal treaty and a confederation. . . .

Article 1. A. Each of the two High Contracting Parties mutually pledges the other that he will not enter into any understanding or agreement with a third party on any matter that harms the interest of the other High Contracting Party, or his Kingdom, or their respective interests, or that might be of a nature to subject the safety of his Kingdom to jeopardy or harm.

B. Whenever necessary for the execution of the objectives to which the preamble of this treaty refers, the two High Contracting Parties shall take counsel together.

Article 2. The two High Contracting Parties pledge to settle all differences that might arise between them in an amicable manner; and that in the event settlement in this manner should prove difficult, to resort to other means to be stated in a protocol appended to this treaty, and to be agreed upon in as short a time as possible from the conclusion of this treaty.

Article 3. If a conflict should arise between one of the two High Contracting Parties and a third State (Power) which might bring about a state of affairs leading to war, the two High Contracting Parties would then unify their efforts for the settlement of that conflict by pacific means, in accordance with the international commitments applicable to that state of affairs.

Article 4. A. In case of an aggression on either of the High Contracting Parties by a third power, notwithstanding the efforts expended, in accordance with the terms of the above Third Article; and in case of a sudden attack (aggression) which would allow no time for the application of the terms of the above Third Article, the two High Contracting Parties should take counsel on the nature of the arrangements to be made for the purpose of unifying their endeavors in useful manner for the repulsion of the said aggression.

B. As acts of agression shall be considered:

1. Declaration of war.

2. Seizure of the territories (lands) of one of the two High Contracting Parties by a third power with an armed force, even without declaration of war.

3. Attack on the country of (one of) the two High Contracting Parties or its ships or airplanes by a third power with its land, sea or air forces, even without declaration of war.

4. Assistance or succor of the aggressor, directly or indirectly.

C. And the following shall not be considered an act of aggression:

1. Resort to the legal right of defense in resisting an act of aggression as hereinbefore defined.

2. Carrying out of the Sixteenth Article of the Covenant of the League of Nations.

3. Action taken in accordance with a decision emanating from the League of Nations or the Council of the League of Nations, or in application of the seventh paragraph of the Fifteenth Article of the Covenant of the League of Nations, provided action in this last case be taken towards the power that began the attack.

4. An act of assistance by a third power of another power which had been attacked, or whose borders had been penetrated by one of the two High Contracting Parties in violation of the terms of the Treaty Outlawing War signed in Paris on the 27th of August, 1928, and to which the two High Contracting Parties had adhered.

Article 5. In the event of the breaking out of a disturbance or revolt in the country of one of the two High Contracting Parties, each shall mutually pledge the following:

A. To take all the precautions possible:

1. For preventing the rebels from making use of its lands contrary to the interest of the other High Contracting Party;

2. And for preventing its subjects from taking part in the disturbances or revolt, or from helping the rebels or encouraging them;

3. And also for preventing the extension of any assistance to the rebels from its country, directly or by any means.

B. When rebels take refuge in the lands of the other High Contracting Party, the said Party shall disarm them and immediately banish them to some territory where they will not be able to do any harm to the country of the other Party, until their fate shall have been decided upon between the two High Contracting Parties.

C. If it is found necessary to take joint measures for the prevention of disturbances or revolt, the two High Contracting Parties shall take counsel together on the method of cooperation which must be pursued for that purpose.

Article 6. In view of the Islamic brotherhood and Arab unity which unites the Yamanite Kingdom with the two High Contracting Parties, they shall endeavor to ask the Government of Yaman to become a party to this treaty. It is open for any other independent State to ask to become a party to this treaty.

Article 7. The two High Contracting Parties shall cooperate in the unification of Islamic, Arabic culture and military tactics in their respective countries by the exchange of scientific and military commissions for the study of the methods followed in the two kingdoms, for the unification of whatever is possible of them, and for benefiting from the civic and military institutions therein, and to receive therefrom the necessary training. As for the number of individuals in each commission, it shall be determined by consultation between the two High Contracting Parties from time to time.

Article 8. The diplomatic and consular representatives of each of the two High Contracting Parties may represent the interests of the other High Contracting Party, when that is requested, in a foreign country which has no representative for that Party; nor should this be construed in any way to mean the limitation of the liberty of that Party to assign therefor independent representatives if it wishes to do so.

Article 9. It shall be agreed upon between the two High Contracting Parties that nothing in this treaty violates the rights and commitments of the Iraqi Government as specified in the Covenant of the League of Nations and the Treaty of Amity concluded between Iraq and Great Britain on June 30, 1930. The High Contracting Parties likewise agree to respect the terms contained in the Seventeenth Article of the Covenant of the League of Nations and to observe the principles implied in the Treaty to Outlaw War, which was signed in Paris on the 27th of August, 1928, and to which both the High Contracting Parties have adhered.

Article 10. If one of the High Contracting Parties attack another Power, the other High Contracting Party may terminate the terms of this treaty without forewarning. This termination, however, shall not affect the friendship that unites both kingdoms, nor shall it jar the treaties and agreements contained in the Eleventh Article of this treaty.

Article 11. All terms of the following treaties and agreements concluded between the two kingdoms that are not in conflict with the terms of this treaty shall be held effective until they are modified or voided by another treaty;

1. The Treaty of Muhammarah,[1] dated the 7th of Ramadan, 1340, A.H., corresponding to 5th of May, 1922 of the Christian era.

2. Economic and financial matters.

3. Recorded protocol, No. 1, dated the 12th of Rābi' al-Thani, 1341 A.H., corresponding to 2nd of December, 1922 A.D.

4. The Agreement of Bahra,[2] dated the 14th of Rabi' al-Thani, 1344, corresponding to 1st of November, 1925 A.D.

5. The Treaty of Amity and Good Neighborliness,[3] and the protocol of Arbitration dated the 20th of Dhu-l-Qa'dah, 1349 A.H., corresponding to the 7th of April, 1931 A.D.

6. Treaty of Extradition[3] dated the 21st Dhul-l-Qa'dah, 1349 A.H., corresponding to the 8th of April, 1931.

Article 12. The two High Contracting Parties pledge that one year from the execution of this treaty they shall enter into negotiations for contracting agreements on the following subjects:

1. Residence, passports and transit.
2. Economic, financial and customs matters.
3. Organization of the means of communications and correspondence (mail).

Article 13. This treaty shall be considered effective from the date of exchange of documents of its execution.

Article 14. This treaty shall remain applicable for a period of ten years from the date of its execution, and shall be considered extendable for a period of another ten years unless one of the two High Contracting Parties notify the other of its desire to terminate it one year before the date of its termination.

Written in Baghdad in the sacred month of Muharram of the year 1355 A.H., corresponding to the 2nd of the month of April, 1936 A.D.

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[1] For summary of terms, see *Special Report on Progress of Iraq* 1920-1921, pp. 34-35, Colonial No. 58, 1931, H.M. Stationery Office, London, 1931, pp. 34-35.—Ed.

[2] See Cmd. 2566, H.M. Stationery Office, London. Also *British and Foreign State Papers*, vol. 121 (1925), pp. 950-953.—Ed.

[3] See Colonial No. 74, H.M. Stationery Office, London, p. 114. Also *British and Foreign State Papers*, vol. 134 (1931), pp. 899-907, including also the Protocol of Arbitration of April 7, 1931.—Ed.

Letter of Agreement: Through God's expedition the signing was accomplished of a treaty of Arab brotherhood and Islamic amity and an alliance between Iraq and the Kingdom of Saudi Arabia, founded on the principle of cooperation between the two Arab States, and for the settlement of differences in accordance with the principles established between nations. This alliance shall guarantee the inclusion therein of other independent Arab kingdoms (states) when they so desire, and the terms of this alliance shall be published on Monday falling on the 14th of the sacred month of Muharram of the year 1355 A.H. and on the 6th of April of the year 1936 A.D.

Lebanon

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MANDATE FOR SYRIA AND THE LEBANON[1]

JULY 24, 1922

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed that the territory of Syria and the Lebanon, which formerly belonged to the

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[1] The Mandate for Syria and the Lebanon has not been formally abrogated. However, General Catroux, on entering Syria on June 8, 1941, proclaimed, in the name of Free France and her Chief, General de Gaulle, that he came "to end the régime of the mandate" and that "your status of independence and sovereignty will be guaranteed by a treaty in which our mutual relations will be defined." (Proclamation printed below, pp. 201-202.) In a declaration of support, Sir Miles Lampson, British Ambassador in Cairo, declared himself "authorized by His Majesty's Government in the United Kingdom to declare that they support and associate themselves with the assurance of independence given by General Catroux on behalf of General de Gaulle to Syria and Lebanon."

On September 27, 1941, General Catroux issued a "Déclaration française portant proclamation de l'indépendance de la Syrie" (*Journal Officiel de la République Syrienne,* no. 40 bis, October 14, 1941, pp. 8-9); a similar proclamation announcing Lebanese independence was issued on November 26, 1941. Both declarations conclude by saying that "it is necessary that a final settlement be substituted for these stipulations as quickly as possible by a Franco-Syrian (Franco-Lebanese) treaty which will guarantee definitively the independence of the country."

In pursuance of these proclamations, a convention was concluded December 22, 1943, between Free France and Syria and the Lebanon referring to the transfer of the Services of the "Intérêts Communs" to both States (*Bulletin Official des Actes Administratifs de la Délégation,* No. 1, of February 15, 1944, p. 3); on January 3, 1944, a Protocol was published referring to the transfer of the General Customs Administration to both States *(ibid.)*. No treaty defining the mutual relations between France and Syria and the Lebanon and guaranteeing the independence of both States has been concluded. Both, however, were invited to the United Nations Conference in San Francisco, have ratified the Charter, and thus have become members of the United Nations, "relationship among which shall be based on respect for the principle of sovereign equality," so that the trusteeship system cannot be applied to them (*Charter of the United Nations,* art. 78; see below, p. 420). Pending the formal termination of the Mandate (*ibid.,* art. 77 and 78, No. 4c of the Interim Arrangements, pp. 419, 420, 429) the independence of Syria and the Lebanon has thus been implicitly or explicitly recognized by all members of the United Nations.

With regard to the French and British troops which were still on Syrian and Lebanese soil, an agreement was reached on December 13, 1945, by the governments of France and Great Britain providing for the evacuation of these troops from Syria and the Lebanon. On February 5, 1946, the Syrian and Lebanese delegations to the U.N. brought to the attention of the U.N. the fact that French and British troops were still being maintained in Syria and the Lebanon and asked for their withdrawal. After the matter had been discussed by the U.N., a direct accord was reached between the interested parties as to the date of the withdrawal of these troops.—ED.

Turkish Empire shall, within such boundaries as may be fixed by the said Powers, be entrusted to a Mandatory charged with the duty of rendering administrative advice and assistance to the population, in accordance with the provisions of Article 22 (paragraph 4) of the Covenant of the League of Nations;[1] and

Whereas the Principal Allied Powers have decided that the mandate for the territory referred to above should be conferred on the Government of the French Republic, which has accepted it;[2] and

Whereas the terms of this mandate, which are defined in the articles below, have also been accepted by the Government of the French Republic and submitted to the Council of the League for approval; and

Whereas the Government of the French Republic has undertaken to exercise this mandate on behalf of the League of Nations, in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8), it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Article 1

The Mandatory shall frame, within a period of three years from the coming into force of this mandate, an organic law for Syria and the Lebanon.

This organic law shall be framed in agreement with the native authorities and shall take into account the rights, interests, and wishes of all the population inhabiting the said territory. The Mandatory shall further enact measures to facilitate the progressive development of Syria and the Lebanon as independent States. Pending the coming into effect of the organic law, the Government of Syria and the Lebanon shall be conducted in accordance with the spirit of this mandate.

The Mandatory shall, as far as circumstances permit, encourage local autonomy.

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[1] See p. 396.

[2] Cf. also the Convention between the United States and France, signed at Paris, April 4, 1924. *Rights in Syria and the Lebanon.* Treaty Series No. 695. Government Printing Office, Washington, 1924.—Ed.

Article 2

The Mandatory may maintain its troops in the said territory for its defence. It shall further be empowered, until the entry into force of the organic law and the re-establishment of public security, to organise such local militia as may be necessary for the defence of the territory, and to employ this militia for defence and also for the maintenance of order. These local forces may only be recruited from the inhabitants of the said territory.

The said militia shall thereafter be under the local authorities, subject to the authority and the control which the Mandatory shall retain over these forces. It shall not be used for purposes other than those above specified save with the consent of the Mandatory.

Nothing shall preclude Syria and the Lebanon from contributing to the cost of the maintenance of the forces of the Mandatory stationed in the territory.

The Mandatory shall at all times possess the right to make use of the ports, railways and means of communication of Syria and the Lebanon for the passage of its troops and of all materials, supplies and fuel.

Article 3

The Mandatory shall be entrusted with the exclusive control of the foreign relations of Syria and the Lebanon and with the right to issue exequaturs to the consuls appointed by foreign Powers. Nationals of Syria and the Lebanon living outside the limits of the territory shall be under the diplomatic and consular protection of the Mandatory.

Article 4

The Mandatory shall be responsible for seeing that no part of the territory of Syria and the Lebanon is ceded or leased or in any way placed under the control of a foreign Power.

Article 5

The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by Capitulation or usage in the Ottoman Empire, shall not be applicable in Syria and the Lebanon. Foreign consular tribunals shall, however, continue to perform their duties until the coming into force of the new legal organisation provided for in Article 6.

Unless the Powers whose nationals enjoyed the aforementioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application during a specified period, these privileges and immunities shall at the expiration of the mandate be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Article 6

The Mandatory shall establish in Syria and the Lebanon a judicial system which shall assure to natives as well as to foreigners a complete guarantee of their rights.

Respect for the personal status of the various peoples and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in complete accordance with religious law and the dispositions of the founders.

Article 7

Pending the conclusion of special extradition agreements, the extradition treaties at present in force between foreign Powers and the Mandatory shall apply within the territory of Syria and the Lebanon.

Article 8

The Mandatory shall ensure to all complete freedom of conscience and the free exercise of all forms of worship which are consonant with public order and morality. No discrimination of any kind shall be made between the inhabitants of Syria and the Lebanon on the ground of differences in race, religion or language.

The Mandatory shall encourage public instruction, which shall be given through the medium of the native languages in use in the territory of Syria and the Lebanon.

The right of each community to maintain its own schools for the instruction and education of its own members in its own language, while conforming to such educational requirements of a general nature as the administration may impose, shall not be denied or impaired.

Article 9

The Mandatory shall refrain from all interference in the administration of the Councils of management (Conseils de fabrique) or in the management of religious communities and sacred shrines belonging to the various religions, the immunity of which has been expressly guaranteed.

Article 10

The supervision exercised by the Mandatory over the religious missions in Syria and the Lebanon shall be limited to the maintenance of public order and good government; the activities of these religious missions shall in no way be restricted, nor shall their members be subjected to any restrictive measures on the ground of nationality, provided that their activities are confined to the domain of religion.

The religious missions may also concern themselves with education and relief, subject to the general right of regulation and control by the Mandatory or of the local government, in regard to education, public instruction and charitable relief.

Article 11

The Mandatory shall see that there is no discrimination in Syria or the Lebanon against the nationals, including societies and associations, of any State Member of the League of Nations as compared with its own nationals, including societies and associations, or with the nationals of any other foreign State in matters concerning taxation or commerce, the exercise of professions or industries, or navigation, or in the treatment of ships or aircraft. Similarly, there shall be no discrimination in Syria or the Lebanon against goods originating in or destined for any of the said States; there shall be freedom of transit, under equitable conditions, across the said territory.

Subject to the above, the Mandatory may impose or cause to be imposed by the local governments such taxes and Customs duties as it may consider necessary. The Mandatory, or the local governments acting under its advice, may also conclude on grounds of contiguity any special Customs arrangements with an adjoining country.

The Mandatory may take or cause to be taken, subject to the provisions of paragraph 1 of this article, such steps as it may think best to ensure the development of the natural resources of the said territory and to safeguard the interests of the local population.

Concessions for the development of these natural resources shall be granted without distinction of nationality between the nationals of all States Members of the League of Nations, but on condition that they do not infringe upon the authority of the local government. Concessions in the nature of a general monopoly shall not be granted. This clause shall in no way limit the right of the Mandatory to create monopolies of a purely fiscal character in the interest of the territory of Syria and the Lebanon, and with a view to assuring to the territory the fiscal resources which would appear best adapted to the local needs, or, in certain cases, with a view to developing the natural resources either directly by the State or through an organisation under its control, provided that this does not involve either directly or indirectly the creation of a monopoly of the natural resources in favour of the Mandatory or its nationals, nor involve any preferential treatment which would be incompatible with the economic, commercial and industrial equality guaranteed above.

Article 12

The Mandatory shall adhere, on behalf of Syria and the Lebanon, to any general international agreement already existing, or which may be concluded hereafter with the approval of the League of Nations, in respect of the following: the slave trade, the traffic in drugs, the traffic in arms and ammunition, commercial equality, freedom of transit and navigation, aerial navigation, postal, telegraphic or wireless communications, and measures for the protection of literature, art or industries.

Article 13

The Mandatory shall secure the adhesion of Syria and the Lebanon, so far as social, religious and other conditions permit, to such measures of common utility as may be adopted by the League of Nations for preventing and combating disease, including diseases of animals and plants.

Article 14

The Mandatory shall draw up and put into force within twelve months from this date a law of antiquities in conformity with the following provisions. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

1) "Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.

2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

3) No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

7) Authorisation to excavate shall only be granted to persons who show sufficient guarantees or archaeological experience. The Mandatory shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

8) The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Article 15

Upon the coming into force of the organic law referred to in Article 1, an arrangement shall be made between the Mandatory and the local governments for reimbursement by the latter of all expenses incurred by the Mandatory in organising the administration, developing local resources, and carrying out permanent public works, of which the country retains the benefit. Such arrangement shall be communicated to the Council of the League of Nations.

Article 16

French and Arabic shall be the official languages of Syria and the Lebanon.

Article 17

The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of this mandate. Copies of all laws and regulations promulgated during the year shall be attached to the said report.

Article 18

The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Article 19

On the termination of the mandate, the Council of the League of Nations shall use its influence to safeguard for the future the fulfilment by the Government of Syria and the Lebanon of the financial obligations, including pensions and allowances, regularly assumed by the administration of Syria or of the Lebanon during the period of the mandate.

Article 20

The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International

Justice provided for by Article 14 of the Covenant of the League of Nations.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London on the twenty-fourth of July, 1922.

CONSTITUTION OF THE LEBANESE REPUBLIC, PROMULGATED ON MAY 23RD, 1926; AS AMENDED BY THE CONSTITUTIONAL LAWS OF OCTOBER 17TH, 1927, AND MAY 8TH, 1929[1]

Part I.

Fundamental Provisions

CHAPTER I—THE STATE AND THE TERRITORY

Art. 1.[2] The Grand Lebanon is a single and independent State. Its frontiers are those which have been officially recognised by the Government of the French Republic, the Mandatory, and by the League of Nations, and which constitute its present boundaries.

Art. 2. No part of Lebanese territory may be alienated or ceded.

Art. 3. The boundaries of the administrative areas may not be altered except by law.

Art. 4. The Grand Lebanon is a Republic; Beirut is its capital.

Art. 5. The Lebanese flag is blue, white and red in vertical bands of equal width, with a cedar in the white part.

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[1] This constitution was superseded on May 9, 1932, and dictatorial powers were given to the President of the Republic. On January 2, 1934, an amended constitution was promulgated by the French High Commissioner which remained in force with slight amendments until January 4, 1937, when the Constitution of 1926, published below, was restored. A law modifying Articles 1, 11, 52, 95, and 102, and abrogating Articles 90, 91, 92, and 94, of the Lebanese Constitution was promulgated November 5, 1942. The text of that law appears on pp. 185 ff.—Ed.

[2] See p. 185.

CHAPTER II—THE LEBANESE AND THE RIGHTS AND OBLIGATIONS OF THE LEBANESE

Art. 6. Lebanese nationality and the manner in which it is acquired, retained and lost shall be determined in accordance with the law.

Art. 7. All Lebanese shall be equal in the eyes of the law. They shall enjoy civil and political rights and shall also be liable to public charges and obligations without any distinction whatsoever being made.

Art. 8. Personal freedom shall be guaranteed and protected. No person may be arrested or kept in custody except in accordance with the law. No offence may be established and no penalty imposed except by law.

Art. 9. There shall be complete freedom of conscience. While acknowledging the Most High, the Government shall respect all creeds and safeguard and protect the free exercise of all forms of worship on condition that public order is not interfered with. It also guarantees that the personal status and religious interests of the populations, to whatever creed they belong, shall be respected.

Art. 10. There shall be no interference with public instruction as long as it is not contrary to public order and morals and does not affect the dignity of the various creeds. The communities shall be entitled to maintain their own schools, provided that they conform to the general requirements relating to public instruction laid down by the State.

Art. 11.[1] Arabic shall be the official national language in all Government departments. French shall also be an official language; the cases in which it is to be used shall be determined by a special law.

Art. 12. All forms of public employment shall also be open to all Lebanese citizens in accordance with the conditions laid down by law, preference being given solely to merit and capacity. The conditions applicable to State officials shall be embodied in a special Statute, according to the department to which they belong.

Art. 13. Freedom of speech and of writing, the freedom of the Press, freedom to assemble together and freedom of association shall be guaranteed within the limits laid down by the law.

Art. 14. Dwellings shall be inviolable. No one may enter therein except in the circumstances and in the manner prescribed by law.

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[1] See p. 186.

Art. 15. Rights of ownership shall be protected by law. No person may be expropriated except on grounds of public utility in the circumstances defined by law and on condition that fair compensation is paid beforehand.

PART II.

PUBLIC POWERS

CHAPTER I—GENERAL PROVISIONS

Art. 16. (as amended October 17, 1927) The legislative power shall be exercised by a single Assembly: the Chamber of Deputies.

Art. 17. The executive power shall be entrusted to the President of the Republic, by whom it shall be exercised with the assistance of the Ministers, under the conditions laid down in the present Constitution.

Art. 18. (as amended October 17, 1927) The right to introduce laws shall be vested in the President of the Republic and the Chamber of Deputies.

Art. 19. (as amended October 17, 1927) Before a law can be promulgated, it must be adopted by the Chamber.

Art. 20. The judicial power, functioning within the limits of a Statute established by law and affording the necessary guarantees to the judges and the persons amenable to their jurisdiction, shall be exercised by the courts of various classes and degrees. The limits of the judges' powers, the conditions governing the exercise of those powers and the irremovability of judges shall be fixed by law. Judges shall be independent in the exercise of their functions. The decisions and judgments of all courts shall be rendered and executed in the name of the Lebanese people.

Art. 21. Every Lebanese citizen who has completed his twenty-first year and fulfils the conditions laid down by the electoral law shall be an elector.

CHAPTER II—THE LEGISLATIVE POWER

Art. 22. (abrogated October 17, 1927)

Art. 23. (abrogated October 17, 1927)

Art. 24. (as amended October 17, 1927) The Chamber of Deputies shall consist of:

1. Elected deputies, the number and manner of election of whom shall be determined by the provisions of Decree No. 1307, which shall remain in force until a new electoral law has been drawn up by the Assembly;

2. Deputies appointed by a decree of the President of the Republic adopted at a meeting of the Cabinet, according to the terms of the electoral law in force regarding the representation of communities and constituencies. The number of appointed deputies shall be equal to one half the number of elected deputies.

Art. 25. Should the Chamber of Deputies be dissolved, the instrument ordering dissolution must call upon the electors to take part in new elections, which must be held within a period not exceeding three months.

CHAPTER III—PROVISIONS RELATING TO THE CHAMBER

Art. 26. (as amended October 17, 1927) The Chamber and the Executive Power shall sit at Beirut.

Art. 27. (as amended October 17, 1927) A member of the Chamber shall be deemed to represent the whole nation. No binding mandate may be imposed upon him by his electors or the power by which he is appointed.

Art. 28. (as amended October 17, 1927, and May 8, 1929) A Deputy may also at the same time discharge the functions of Minister. Ministers may be selected either from among the members of the Chamber or from persons outside the Chamber.

Art. 29. (as amended October 17, 1927) The cases in which persons are disqualified from becoming Deputies shall be determined by law.

Art. 30. (as amended October 17, 1927) Appointed Deputies shall have the same rights, guarantees, immunities and obligations as elected Deputies, and must fulfil the same conditions as the said elected Deputies.

Nevertheless, elected Deputies shall alone be competent to decide on the validity of the mandate of elected members. No mandate may be invalidated except by a majority of two-thirds of the votes of the elected Deputies.

Art. 31. (as amended October 17, 1927) Meetings of the Chamber outside the period of session fixed by law shall be unlawful and *ipso facto* null and void.

Art. 32. (as amended October 17, 1927) The Chamber shall hold two ordinary sessions each year. The first shall open on the first Tuesday following March 15th and shall terminate at the end of the month of May. The second shall open on the first Tuesday following October 15th. It shall be primarily devoted to the discussion and adoption of the budget. It shall last until the end of the year.

Art. 33. (as amended October 17, 1927) The ordinary sessions shall begin and end automatically on the dates fixed in Article 32.

The President of the Republic may convene the Chamber in extraordinary session. The date of the opening and termination of extraordinary sessions shall be fixed by Decree.

The agenda shall be fixed in the Decree summoning the Chamber to assemble.

The President of the Republic shall be required to summon the Chamber of Deputies to assemble at the request of an absolute majority of its lawful members.

Art. 34. (as amended October 17, 1927) The Chamber shall not be validly constituted unless the majority of its lawful members are present.

Decisions shall be taken by a majority vote. Should the votes be equal, the question under discussion shall be rejected.

Art. 35. (as amended October 17, 1927) The discussions of the Chamber shall be public. Nevertheless, at the request of the Government or of five of its members, the Chamber shall meet in private. It shall decide later whether the discussion on the same question is to be continued in public.

Art. 36. Votes shall be given verbally or by the members rising or remaining in their seats, except in the case of elections, when a secret vote shall be taken. In the case of all draft laws and when the question of confidence is raised, the vote shall always be taken by roll-call and verbally.

Art. 37. (as amended October 17, 1927, and May 8, 1929) Every Deputy is fully entitled during ordinary and extraordinary sessions to call upon Ministers to justify their action.

A proposal of this kind may not be discussed and voted upon until at least five days after it is submitted to the Assembly and communicated to the Minister or Ministers concerned.

Art. 38. (as amended October 17, 1927) No bill which has been rejected by the Chamber may be re-introduced during the same session.

Art. 39. (as amended October 17, 1927) No member of the Chamber may be prosecuted or steps taken for his arrest in respect of opinions expressed or votes given by him during the term of his mandate.

Art. 40. (as amended October 17, 1927) During the session, no member of the Chamber may be prosecuted or arrested for a criminal offence without the authorisation of the Chamber, unless he is taken in the act.

Art. 41. (as amended October 17, 1927) In the event of a vacancy occurring in the Chamber, the seat shall be filled within two months by election or appointment, as the case may be. The new member's term of office shall terminate with the expiry of his predecessor's term of office. The vacancy shall not be filled if the mandate of the Chamber has less than six months to run.

Art. 42. (as amended October 17, 1927) General elections for the renewal of the Assembly and the designation of appointed Deputies shall take place within the sixty days preceding the expiry of their mandate.

Art. 43. (as amended October 17, 1927) The Chamber shall draw up its own rules of procedure.

Art. 44. (as amended October 17, 1927) At the opening of the October session, the Chamber, under the presidency of its oldest member, the two youngest members acting as secretaries, shall elect separately, by secret ballot and by an absolute majority of the votes cast, a President, Vice-President and two Secretaries. At the third ballot, a relative majority shall be sufficient. Should the votes be equal, the oldest candidate shall be elected.

Art. 45. (as amended October 17, 1927) Members of the Chamber shall only vote if they are present at the meeting; voting by proxy shall not be allowed.

Art. 46. (as amended October 17, 1927) The Chamber alone has the right to maintain order at its meetings through its President.

Art. 47. (as amended October 17, 1927) All petitions to the Chamber must be made and submitted in writing. They may not be presented in person or at the bar of the Chamber.

Art. 48. (as amended October 17, 1927) The remuneration of members of the Chamber shall be determined by law.

CHAPTER IV—THE EXECUTIVE POWER

Art. 49. (as amended October 17, 1927, and May 8, 1929) The Chamber of Deputies shall elect the President of the Republic by secret ballot and by a two-thirds majority of the votes. After the first ballot, an absolute majority shall be sufficient. The President shall be elected for a term of six years. He may be re-elected only after an interval of six years. No person shall be eligible for the office of President of the Republic unless he fulfils the conditions of eligibility for the Chamber of Deputies.

Paragraph applying temporarily—This article shall not apply to the present President of the Republic in so far as it extends the presidential term of office from three to six years. The term of office of the present President shall accordingly expire on May 26th, 1932.

Art. 50. Before assuming office, the President of the Republic shall take an oath of fidelity before Parliament to the Lebanese Nation and the Constitution, in the following terms:

"I swear by Almighty God to observe the Constitution and laws of the Lebanese People and to maintain the independence of the Lebanon and its territorial integrity."

Art. 51. (as amended October 17, 1927) The President of the Republic shall promulgate laws after they have been adopted by the Chamber. He shall supervise their execution and for that purpose he shall have the power to issue regulations, but not to modify the actual laws or set aside their provisions.

He shall have the right to pardon. Amnesties may not be granted except by law.

Art. 52.[1] (as amended October 17, 1927) Subject to the provisions of Article 3 of the Mandate, the President of the Republic shall negotiate and ratify treaties. He shall bring them to the knowledge of the Chamber as soon as the interest and safety of the State permit.

Treaties involving a charge upon the finances of the State, commercial treaties and, in general, treaties which cannot be denounced at the expiry of each year shall not be definitive until they have been adopted by the Chamber.

[1] See p. 186.

Art. 53. (as amended October 17, 1927) The President of the Republic shall appoint and dismiss Ministers, from among whom he shall select a Prime Minister; he shall appoint a certain number of the Deputies in accordance with Article 24; he shall make all appointments in regard to which the method of appointment is not otherwise determined by law; he shall preside over national ceremonies.

Art. 54. Every instrument issued by the President of the Republic, with the exception of those relating to the appointment and dismissal of Ministers, must be countersigned by the Minister or Ministers concerned.

Art. 55 (as amended October 17, 1927, and May 8, 1929) With the approval of the Cabinet, the President may by Decree, the reasons being specified, dissolve the Chamber of Deputies before the legal expiry of its mandate.

In that case, the electoral bodies shall meet as provided for in Article 25, and the new Chamber shall be convened within fifteen days after the results of the elections have been proclaimed.

Art. 56. (as amended October 17, 1927) The President of the Republic shall promulgate laws within one month after the date on which the law, definitively adopted, is transmitted to the Government. When the promulgation of a law has been declared urgent by a special vote of the Chamber, he must promulgate it within five days.

Art. 57. (as amended October 17, 1927) Within the time allowed for promulgating laws, the President of the Republic may request, not more than once, a further discussion of a law; this request may not be refused.

When the President of the Republic makes use of this right, he shall not be required to promulgate a law unless it has been adopted by the Chamber, after a second discussion, by an absolute majority of the lawful members of that Assembly.

Art. 58. (as amended October 17, 1927) By means of a decree issued with the approval of the Cabinet, the President of the Republic may put into force any bill which has previously been declared to be urgent by the Government in the order for its transmission issued with the Cabinet's approval, and on which the Chamber has not given a decision within forty days of its communication to the Assembly.

Art. 59. (as amended October 17, 1927) The President of the Republic may adjourn the Chamber for a period not exceeding one month. He may not do so more than once during the same session.

Art. 60. The President of the Republic may not be called to account for acts performed by him in the discharge of his duties except in the case of violation of the Constitution or high treason; his responsibility in respect of offences under the ordinary law shall be subject to the ordinary law. He may not be charged with these offences or with violating the Constitution or high treason, except by the Chamber of Deputies, its decision being adopted by a majority of three-fourths of the members of the whole Assembly; he may not be tried except by the High Court provided for in Article 80. The functions of Public Prosecutors at the High Court shall be exercised by two judges appointed each year by the Court of Cassation at a general meeting.

Art. 61. Should the President of the Republic be arraigned, he shall be suspended from his functions and the Presidency shall be vacant until the High Court has rendered its decision.

Art. 62. Should the Presidency of the Republic be vacant for any reason whatsoever, the executive power shall be temporarily exercised by the Cabinet.

Art. 63. The salary of the President of the Republic shall be fixed by law. During the President's term of office, it may not be increased or reduced.

Art. 64. The Ministers shall have the supreme direction of all the services of the State which come under their respective Departments. They shall be responsible, each in so far as he is concerned, for the application of the laws and regulations.

Art. 65. No person may be a Minister who is not a Lebanese.

Art. 66. (as amended October 17th, 1927) Ministers shall be jointly and severally responsible to the Chamber for the general policy of the Government, and individually responsible for their personal actions. The Government's general programme shall be drawn up and put before the Chamber by the Prime Minister or by a Minister acting on his behalf.

Art. 67. (as amended October 17th, 1927) Ministers shall have free access to the Chamber and shall have the right to address it whenever they so request. They may be accompanied by one or more officials from their Department.

Art. 68. (as amended October 17th, 1927) When, in accordance with Article 37, the Chamber declares that a Minister no longer possesses its confidence, that Minister shall be required to resign.

Art. 69. (abrogated May 8th, 1929)

Art. 70. The Chamber of Deputies shall have the right to arraign Ministers for high treason or for grave dereliction of their duty. The decision to arraign a Minister may only be taken by a majority of two-thirds of the members of the whole Assembly. The civil responsibility of Ministers shall be determined by a special law.

Art. 71. A Minister who is arraigned shall be tried by the High Court.

Art. 72. A Minister shall leave office as soon as he is arraigned. The Minister's resignation shall not prevent proceedings being taken or continued against him.

PART III.

(a) ELECTION OF THE PRESIDENT OF THE REPUBLIC

Art. 73. (as amended October 17th, 1927) One month at least and two months at most before the expiry of the term of office of the President of the Republic, the Chamber shall be summoned by its President to assemble for the purpose of electing the new President of the Republic.

Should it not be thus summoned, the Chamber shall meet of its own accord on the tenth day preceding the expiry of the President's term of office.

Art. 74. (as amended October 17th, 1927) Should the Presidency become vacant through the death or resignation of the President, or for any other cause, the Assembly shall meet immediately and of its own accord to elect a new President. If the Chamber is dissolved at the time the vacancy occurs, the electoral bodies shall be convened without delay and, as soon as the elections have taken place, the Chamber shall meet as of full right.

Art. 75. (as amended October 17th, 1927) When the Chamber meets to elect the President of the Republic, it shall constitute a purely electoral body and not a deliberative Assembly. It shall proceed solely, without delay or discussion, to elect the Head of the State.

(b) REVISION OF THE CONSTITUTION

Art. 76. (as amended October 17th, 1927) The Constitution may be revised on the initiative of the President of the Republic.

In such a case, the Government shall submit to the Assembly a draft constitutional law.

Art. 77. (as amended October 17th, 1927) The Constitution may likewise be revised on the initiative of the Chamber of Deputies. This right shall be exercised as follows:

During an ordinary session and on the proposal of at least ten of its members, the Chamber may recommend, by a two-thirds majority of its lawful members, the revision of the Constitution. The articles and questions referred to in the recommendation must be specifically enumerated and defined.

The President of the Chamber shall transmit the recommendation to the Government, requesting it to prepare a draft constitutional law.

Should the Government approve the Assembly's recommendation, it shall prepare the respective draft law and submit it to the Assembly within four months; if the Government does not agree with the Assembly, it shall return the recommendation to the latter for further discussion. Should the Assembly maintain its recommendation by a majority of three-fourths of its lawful members, the President of the Republic may either accede to the Assembly's request, or issue an order for its dissolution, and proceed to new elections within three months.

Should the new Assembly decide that revision is necessary, the Government shall be obliged to carry out the Assembly's recommendation and submit the draft law within a period of four months.

(c) PROCEDURE OF THE ASSEMBLY

Art. 78. (as amended October 17, 1927) When a draft constitutional law is submitted to the Chamber, it shall, until a final vote is taken, confine itself to revision.

It may only discuss and vote on articles and questions specifically enumerated and defined in the draft submitted to it.

Art. 79. (as amended October 17th, 1927) When a draft constitutional law is submitted to the Chamber of Deputies, it may only be validly discussed and voted upon when a majority of two-thirds of the lawful members of the Chamber are present. Decisions shall be taken by a majority of two-thirds of the lawful members of the Assembly.

The President of the Republic shall be required to promulgate the constitutional law under the same conditions and in the same form as ordinary laws. He may request a further discussion of the law within the time fixed for promulgation. In that case also, the decision shall be taken by a two-thirds majority.

PART IV.

VARIOUS PROVISIONS

(a) HIGH COURT

Art. 80. (as amended October 17th, 1927) The High Court shall consist of seven deputies elected by the Chamber of Deputies and of the eight highest Lebanese magistrates in order of rank or, should their rank be equal, in order of seniority, under the presidency of the magistrate of highest rank.

The sentences of the High Court shall be rendered by a majority of ten votes. The procedure to be followed by this Court shall be determined by a law.

(b) FINANCES

Art. 81. Taxes shall be established for purposes of common utility. Taxes may only be levied in the Grand Lebanon in accordance with a uniform law which shall apply to the whole territory without exception.

Art. 82. No tax may be modified or removed except by virtue of a law.

Art. 83. Each year at the beginning of the October session the Government shall submit to the Chamber of Deputies, for examination and approval, the general budget estimates of State revenue and expenditure for the following year. The budget shall be voted upon article by article.

Art. 84. (as amended October 17th, 1927) During the discussion of the budget and draft laws involving the opening of supplementary or extraordinary credits, the Chamber may not increase the credits proposed in the budget estimates or above-mentioned draft laws, either by amendment or by means of an independent proposal. The Assembly may, however, adopt laws involving further expenditure after the close of this discussion.

Art. 85. (as amended October 17th, 1927) No extraordinary credit may be opened except by a special law.

Nevertheless, should unforeseen circumstances arise making urgent expenditure necessary, the President of the Republic may, by Decree adopted with the approval of the Cabinet, open extraordinary or supplementary credits or effect any transfers of credits. These credits may not exceed 1,500 pounds per item. The measures thus decreed shall be submitted to the Chamber for ratification at the first ensuing session.

Art. 86. (as amended October 17th, 1927) If the Chamber of Deputies has not given a final decision on the budget estimates before the expiry of the session devoted to the examination of the budget, the President of the Republic shall convene an extraordinary session to terminate at the end of January for the purpose of continuing the discussion on the budget; if at the end of this extraordinary session the budget has not been finally voted, the President of the Republic may, by a Decree adopted with the approval of the Cabinet, give effect to the budget estimates in the form in which they were submitted to the Chamber.

The President may not exercise this right unless the budget estimates were submitted to the Chamber at least fifteen days before the commencement of the session.

During this extraordinary session, imposts, contributions, taxes, duties and other revenue shall continue to be collected as hitherto.

The expenditure for the month of January shall be based on the "provisional twelfth" of the expenditure for the previous financial year, plus the permanent additional and supplementary credits and minus the permanent reductions.

Art. 87. (as amended October 17th, 1927) The final accounts of the financial administration for the closed financial year shall be submitted to the Chamber and approved before the promulgation of the budget for the second financial year after that to which the accounts refer.

Art. 88. No public loan or obligation involving a charge upon public funds may be contracted except by virtue of a law.

Art. 89. No concession for the exploitation of the natural resources of the country or a service of public utility and no monopoly may be granted except by virtue of a law and for a limited period.

PART V.[1]

PROVISIONS RELATING TO THE MANDATORY POWER AND THE LEAGUE OF NATIONS

Art. 90. The powers established by the present Constitution shall be exercised subject to the rights and obligations of the mandatory Power as they result from Article 22 of the Covenant of the League of Nations and from the mandate.

Art. 91. As soon as circumstances permit, the State of the Grand Lebanon shall apply for admission to the League of Nations, and shall have recourse for the purpose to the good offices of the mandatory Power.

Art. 92. The present Constitution affirms the desire of the Grand Lebanon for peace and good understanding with all countries, and in particular with the neighbouring countries under French mandate, with which the Grand Lebanon intends to maintain, in the most conciliatory and pacific spirit and, subject to reciprocity, the most cordial relations.

Art. 93. The present Constitution involves for the Grand Lebanon a solemn undertaking to submit to the mandatory Power for settlement by arbitration any disputes which might endanger peace. For this purpose, the Grand Lebanon is prepared to conclude with its neighbours and any other States concerned the necessary conventions containing a clause providing for the compulsory settlement of all disputes by arbitration.

Art. 94. The Lebanese Government shall agree with the representative of the mandatory Power to create a Lebanese delegation in Paris and posts of Lebanese attachés with the diplomatic and consular representatives of the French Republic in foreign towns where the number of Lebanese residents justifies this measure.

The Lebanese Government shall do its utmost to maintain close contact between Lebanese emigrants and the mother-country.

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[1] With regard to Articles 90, 91, 92, and 94, see p. 186.

PART VI.

FINAL AND TRANSITORY PROVISIONS

Art. 95.[1] As a transitory measure and in accordance with the provisions of Article 1 of the Mandate, and for the sake of justice and concord, the communities shall be equitably represented in public employment and in the Ministry, without, however, the welfare of the State being prejudicially affected thereby.

Art. 96. The distribution of senatorial seats among the communities shall be effected in accordance with the provisions of Articles 22 and 95, in the following proportion: 5 Maronites, 3 Sunnites, 3 Shiites, 2 Greek Orthodox, 1 Greek Catholic, 1 Druse, 1 member of a Minority.

Art. 97. After voting the present Constitution, the present Representative Council shall continue to function until the expiry of its mandate, under the name of "Chamber of Deputies."

Art. 98. In order to enable full and immediate effect to be given to the present Constitution, the first Lebanese Senate, composed as provided for in Articles 22 and 96, shall be appointed by the High Commissioner of the French Republic for a period terminating at the end of the year 1928.

Art. 99. At the first meeting following its convocation by the High Commissioner, the newly constituted Senate shall proceed to appoint a President, a Vice-President and two Secretaries under the conditions laid down in Article 44 of the present Constitution. The same procedure shall be followed whenever the Senate is reconstituted.

At the first meeting following each reconstitution of the Chamber of Deputies, the latter shall proceed to form its Bureau under the conditions laid down in Article 44 mentioned above.

The Bureaux of the two Chambers appointed under these conditions shall continue in office until the following October session.

Art. 100. Within one month of the constitution of the Senate, Congress shall be summoned to assemble by the President of the Senate for the purpose of electing the President of the Republic.

Art. 101. As from September 1st, 1926, the State of "the Grand

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[1] See p. 186.

Lebanon" shall be known as "the Lebanese Republic", without any change or modification of any kind.

Art. 102.[1] The present Constitution shall be placed under the safeguard of the French Republic as Mandatory of the League of Nations. All legislative provisions contrary to the present Constitution are abrogated.

Article 51 of the Constitutional law of October 17th, 1927.

Transitory Provision.—The members of the present Senate and Chamber of Deputies shall meet for the purpose of constituting, until the end of the present legislature, the Chamber of Deputies provided for in Article 1 of the present Constitutional law.

Should the seat of a member of the present Senate become vacant owing to his death or resignation or for any other cause, the seat shall be filled under the conditions laid down in Article 24.

[1] See note 1 to Mandate for Syria and the Lebanon, p. 162, also p. 186.

MODIFICATIONS APPORTEES A LA CONSTITUTION LIBANAISE

Loi No. 92 du 5 novembre 1943[1]

Art. 1. Le Liban est un Etat indépendant, unitaire, indivisible et sa souveraineté est complète. Ses frontières sont celles qui le limitent actuellement:

Nord: De l'embouchure du Grand Fleuve suivant la trace de son cours, jusqu'à son intersection avec Wadi Khaled à hauteur du pont Kamar;

Est: La ligne de montagne qui sépare Wadi Khaled et Wadi El Assi (Oronte) passant par les villages: Moaissara, Harbisana, Holta, Abche, Fissane, à hauteur des deux villages Briva et Moutriba, et cette ligne suit les limites du Caza Baalbeck, Bakaa, Hasbaya et Rachaya est;

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[1] The text of this law was obtained through the courtesy of Dr. Charles Malik, Minister of Lebanon to the United States. (See p. 170 n. 1.)—Ed.

Sud: Les limites actuelles des deux cazas de Sour et de Merdjayoun Sud;

Ouest: La mer Méditerranée.

Art. 11. L'Arabe est la langue officielle. Une loi spéciale déterminera les cas où l'on fera usage du Français.

Art. 52. Le Président de la République négocie et ratifie les traités internationaux. Il en donne connaissance à la Chambre aussitôt que l'intérêt et la sûreté de l'Etat le permettent. Les traités qui se rapportent aux finances de l'Etat, les traités commerciaux et les traités dont la dénonciation ne peut se faire année par année, ne sont définitifs qu'après approbation de la Chambre.

Art.90-91-92-94. Ces articles ont été abrogés.

Art. 95. A titre provisoire et dans une intention de justice et de concorde, les Communautés seront équitablement représentées dans les emplois publics et dans la composition du Ministère, sans que cela puisse cependant nuire à l'intérêt de l'Etat.

Art. 102. Toutes les dispositions législatives contraires à la présente constitution sont abrogées.

ELECTORAL LAW[1]

ARRÊTÉ NO. 2/L.R. DU 2 JANVIER 1934 CONCERNANT L'ÉLECTION DES DÉPUTÉS DE LA RÉPUBLIQUE LIBANAISE

Le Haut-Commissaire de la République Française

Vu l'Acte de Mandat du 24 juillet 1922,

Vu les décrets du Président de la République Française en date des 23 novembre 1920 et 16 juillet 1933;

Vu l'article 90 de la Constitution libanaise;

Vu l'arrêté No. 1 du 2 Janvier 1934 règlant à titre provisoire l'organisation et le fonctionnement des pouvoirs publics dans la République Libanaise;

ARRÊTE

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[1] According to a communication of November 7, 1945, from the Administrative Section of the Ministry for Foreign Affairs of the Lebanese Republic, a new Electoral Law is in course of preparation.—ED.

Chapitre I.

De l'attribution et de la réparatition des sièges et du mode de suffrage et de scrutin

Art 1. La Chambre des Députés de la République Libanaise comprend 18 membres élus.

Le District forme la circonscription électorale.

L'attribution des sièges est faite par décret du Président de la République proportionnellement au nombre des adhérents aux différents rites dans toute la République Libanaise.

Art. 2. Pour répartir les sièges entre les Districts il est établi un quotient électoral qui s'obtient en divisant le chiffre total de la population par le nombre des membres de la Chambre des Députés à élire.

Dans chaque district, un siège au moins est attribué à tout rite comportant le quotient électoral. Lorsque la division du total des ressortissants d'un rite par le quotient électoral donne une fraction supérieure à la moitié de l'unité, le rite a cependant droit à un représentant.

De même si le résultat donne un nombre entier augmenté d'une fraction supérieure à la moitié de l'unité, le chiffre des Députés attribué est égal à ce nombre entier augmenté d'une unité.

Un siège de député prélevé sur le chiffre prévu à l'article premier, sera accordé aux rites minoritaires non représentés et attribué à Beyrouth.

Aucun rite ne peut avoir, pour l'ensemble des circonscriptions, ni plus ni moins de représentants que le nombre auquel lui donne droit le chiffre total de ses ressortissants dans l'Etat divisé par le quotient électoral.

Si la somme des représentants d'un rite dans l'ensemble des circonscriptions de l'Etat dépasse le chiffre fixé par l'alinéa précédent, le siège supplémentaire sera supprimé dans le District auquel il est attribué par la fraction la plus faible et où le rite est déjà représenté.

Au cas contraire, le siège à pourvoir est attribué à la fraction la plus forte.

Art. 3. L'ensemble des électeurs de la circonscription électorale dans chaque collège, sans distinction de rite, vote pour le ou les candidats à élire.

Art. 4. Le chiffre de la population est composé des inscriptions des citoyens du Grand Liban sur les registres "A" et "B" du recensement auxquels sont ajoutées les inscriptions de toux ceux qui, portés sur le registre "E", paient un impôt direct à l'Etat.

Art. 5. Le décret pris par application du troisième alinéa de l'article premier restera en vigueur jusqu'après la clôture d'un nouveau recensement général de la population.

Art. 6. Le suffrage est universel et direct.

Le scrutin est secret.

Selon que le District a droit à un ou plusieurs élus, les députés sont nommés au scrutin nominal ou au scrutin de liste dans les conditions déterminées ci-après.

Art. 7. Nul ne peut être élu à la Chambre des Députés s'il n'est citoyen de la République Libanaise, électeur âgé de vingt-cinq ans accomplis, s'il ne jouit de ses droits civils et politiques et s'il ne sait lire et écrire.

Sera déchu de la qualité de député tout député qui, pendant la durée de son mandat, aura été frappé d'une condamnation comportant aux termes de l'article 13 la privation du droit d'être inscrit sur les listes électorales. La déchéance sera nécessairement constatée par la Chambre des Députés sur le vu des pièces justificatives transmises par le Gouvernement.

Art. 8 Les collèges électoraux sont convoqués par un décret du Président de la République. L'intervalle entre la publication du décret et l'ouverture des collèges électoraux est de quinze jours au moins. Sauf le cas de dissolution prévu et réglé par la Constitution de la République Libanaise, les élections générales ont lieu dans les soixante jours qui précèdent l'expiration des pouvoirs de la Chambre des Députés.

Art. 9. En cas de vacance par décès, démission ou autrement, il y sera pourvu dans le délai de deux mois à partir du jour où la vacance se sera produite. Il n'est pas pourvu aux vacances dans les six mois qui précèdent le renouvellement de la Chambre des Députés.

CHAPITRE II.

Formation et révision des listes électorales

Art. 10. Une Commission d'inscriptions sur les listes électorales sera constituée dans chaque caza. Cas commissions seront formées d'un fonctionnaire de l'ordre administratif délégué du Caimacam, président; d'un membre du Tribunal de 1ère Instance ou d'un juge de Paix; du Président ou d'un membre du Conseil Municipal du Chef-lieu du caza; du fonctionnaire local de l'état-civil et de deux électeurs du caza, assesseurs. Il leur sera adjoint, en qualité de secrétaires, le nombre de fonctionnaires nécessaire pour l'exécution du travail matériel de la Commission.

Art. 11. Les Commissions d'inscriptions électorales recevront communication des registres de recensement du caza. En se servant des renseignements portés sur ces registres, elles procèderont à l'établissement d'une liste unique des électeurs du caza.

Sur cette liste seront portés, en autant de parties séparées et successives de liste correspondant aux groupements électoraux définis aux paragraphes suivants, les nom, prénoms, âge, rite, qualification et lieu du principal et réel établissement des électeurs appartenant: 1) aux agglomérations municipales, (quand une agglomération municipale est divisée en quartiers, la partie de liste y relative est divisée elle-même en autant de nouvelles parties séparées qu'il y a de quartiers); 2) à des agglomérations dénommées, sans organisation municipale.

Tous électeurs appartenant à des agglomérations non dénommées ou habitant des maisons éparses et séparées de toute agglomération seront réunis au nombre des électeurs appartenant à l'agglomération dénommée la plus voisine.

Art. 12. Chaque commission d'inscriptions électorales devra dénoncer à l'autorité judiciaire compétente les infractions à cet arrêté, qu'elle aura eu l'occasion de constater.

Art. 13. Ne doivent pas être inscrits sur les listes électorales:

1) les individus condamnés à l'interdiction des droits civiques, à titre de peine spéciale ou conjointement avec d'autres peines;

2) les individus condamnés à la privation perpétuelle de tous grades de fonctions publiques. Ceux qui auront été privés à temps

de leurs fonctions ne pourront être inscrits qu'à l'expiration de leur peine;

3) les individus condamnés à une peine criminelle ou à une peine correctionnelle pour un délit infamant. Sont considérés comme infamants les délits suivants: le vol, l'escroquerie, l'abus de confiance, l'outrage public à la pudeur, l'excitation habituelle de mineurs à la débauche, le vagabondage, la banqueroute simple;

4) les condamnés pour crime, à l'emprisonnement au moins;

5) les interdits judiciaires pendant la durée de leur interdiction;

6) les faillis non condamnés pour banqueroute simple ou frauduleuse ne peuvent être inscrits sur la liste électorale pendant trois ans à partir de la déclaration de faillite. Ils ne sont éligibles qu'après réhabilitation;

7) les individus condamnés à l'emprisonnement correctionnel ou à une peine plus grave pour l'une quelconque des infractions prévues au présent arrêté.

Art. 14. Une révision de la liste électorale du caza sera opérée annuellement par la Commission constituée au chef-lieu du caza comme il est dit à l'article 10. Du 1^{er} au 10 janvier de chaque année, les Présidents de municipalités et les moukhtars adressent à cette Commission une liste en deux parties. La première partie comprend les habitants de leur ville ou agglomération qu'ils reconnaissent avoir acquis les qualités exigées par le présent arrêté pour l'inscription électorale, ceux qui acquerront les conditions d'âge et d'habitation avant le 1^{er} avril de l'année courante et ceux qui auraient été précédemment omis. La deuxième partie comprend tous ceux qui doivent être retranchés: 1) les individus décédés; 2) ceux dont la radiation a été ordonnée par les commissions compétentes; 3) ceux qui ont perdu les qualités requises pour être inscrits; 4) ceux qu'ils reconnaissent avoir été indûment inscrits quoique leur inscription n'ait pas été attaquée. La Commission dresse procès-verbal des décisions prises après vérification, s'il y a lieu, des renseignements produits, y mentionne les motifs et les pièces à l'appui et modifie, en conséquence, la liste électorale du caza.

Dans les villes divisées en quartiers, les moukhtars de ces quartiers adressent au Président de la Municipalité, dans le même délai, la liste en deux parties prévue à l'alinéa premier.

Art. 15. Un extrait de la liste électorale, dressé pour chaque groupement électoral distinct prévu à l'article 11 est transmis administrativement par l'Administrateur pour le caza chef-lieu, par les caimacams pour les autres cazas, afin d'être déposé le 31 janvier au plus tard, au Secrétariat de chaque Conseil Municipal et chez les moukhtars des quartiers de ville et des agglomérations non municipales d'habitants. Cet extrait sera communiqué à tout requérant qui pourra le recopier et le reproduire. Le jour même de ce dépôt, avis en sera donné par tous les moyens de publicité officielle ordinairement employés et, le cas échéant, par voie de la presse locale.

Art. 16. Le décret du Président de la République fixant la date de la constitution des commissions d'inscriptions électorales en vue des élections générales nécessitées par la nomination de la Chambre des Députés déterminera également la date à laquelle les extraits de la liste électorale devront être déposés aux secrétariats des Conseils Municipaux et chez les moukhtars, et la date où toutes les rectifications régulièrement ordonnées devront être définitivement portées sur les listes électorales.

Art. 17. Une copie des listes électorales des cazas, et par la suite des listes annuellement modifiées,—dans ce dernier cas, elles seront accompagnées du procès-verbal prévu à l'art. 14,—sera adressée au Directeur de l'Intérieur par l'intermédiaire des administrateurs et des caimacams. Les administrateurs et caimacams y joindront leurs observations. Si le Directeur de l'Intérieur estime que les formalités et les délais prescrits par les réglements en vigueur n'ont pas été observés, il devra déférer, sans délai, les opérations des commissions d'inscriptions électorales des cazas à une Commission Supérieure qui statuera dans les trois jours et fixera, s'il y a lieu, le délai dans lequel les opérations annulées devront être recommencées.

Art. 18. La Commission Supérieure en matière d'inscriptions sur les listes électorales est composée d'un Conseiller à la Cour d'Appel et de Cassation, président; de l'Inspecteur des Services Administratifs à la Direction de l'Intérieur ou d'un Inspecteur adjoint, rapporteur; d'un Juge au Tribunal de 1^{ère} Instance de Beyrouth; du Chef du Drogmanat ou d'un interprète principal et du Chef ou sous-chef du Bureau de l'état-civil à la Direction de l'Intérieur.

Toutes les nominations des membres de la Commission Supérieure seront faites par décret du Président de la République.

Art. 19. Tout citoyen omis sur la liste électorale pourra présenter sa réclamation. Tout électeur inscrit sur la liste électorale pourra réclamer la radiation ou l'inscription d'un individu indûment inscrit ou omis. Le même droit appartient aux moukhtars, caimacams et aux administrateurs. Pour les premiers, il sera exercé sous couvert et avec l'approbation des caimacams ou administrateurs. Le Président de la Commission d'inscriptions électorales délivre récépissé de la réclamation.

Les demandes en inscription ou en radiation devront être formées dans les dix jours à compter de la publication des extraits de listes. Elles seront portées devant la Commission d'inscriptions électorales du caza.

Art. 20. L'électeur dont l'inscription est contestée est immédiatement averti, au moyen d'une lettre recommandée par le Président de la Commission. Il peut présenter, oralement ou par écrit, ses observations ou les faire présenter par mandataire dans un délai de cinq jours à compter de la réception de la lettre recommandée constatée par l'avis de réception.

La Commission statue sans frais et sans forme de procédure. Les demandes en inscription ou radiation sont dispensées du timbre.

Art. 21 Le Président de la Commission donnera communication des décisions prononcées aux Présidents de Municipalités et aux moukhtars ainsi qu'au caimacam, dans les trois jours de la décision. Les décisions des commissions d'inscriptions électorales de cazas ne sont susceptibles ni d'opposition, ni d'appel, excepté dans le cas de violation des règlements. Les recours pour violation des règlements sont portés devant la Commission Supérieure instituée par l'art. 17.

Art. 22. Le 31 mars de chaque année, les Commissions d'inscriptions électorales opèrent toutes les rectifications nécessaires et transmettent à l'Administrateur, pour le caza chef-lieu, et aux caimacams, pour les autres cazas, la liste électorale dûment rectifiée et définitivement arrêtée. Les extraits de cette liste sont adressés par ces fonctionnaires aux Présidents de municipalités et aux moukhtars. Communication sur place de ces extraits doit toujours être donnée aux habitants qui demandent à en prendre connaissance.

Art. 23. La liste électorale reste valable jusqu'àu 31 mars de l'année suivante, telle qu'elle a été arrêtée sauf, néanmoins, les changements qui peuvent y être apportés par décision de la commission d'inscriptions électorales et sauf aussi la radiation des noms des électeurs décédés ou privés des droits civils et politiques par jugement ayant force de chose jugée. Les administrateurs et caimacams effectueront ces changements sur la liste minute demeurée en leur possession et vérifieront si les modifications correspondantes ont été régulièrement faites par les Présidents de municipalités et les moukhtars.

Chapitre III.

De l'électorat et de l'éligibilité

Art. 24. Sont inscrits sur les listes électorales des cazas et peuvent, en conséquence, exercer leurs droits électoraux au lieu de leur principal et réel établissement, tous les citoyens de la République Libanaise âgés de vingt et un ans accomplis, jouissant de leurs droits civils et politiques, qui, ayant leur principal et réel établissement dans le caza, se trouveront y résider depuis six mois au moins.

Seront également inscrits sur les listes électorales des cazas, sous les précédentes conditions, mais sans durée de résidence:

1) ceux qui sont assujettis à une résidence obligatoire en qualité soit de ministres de cultes reconnus par l'Etat, soit de fonctionnaires publics;

2) Ceux qui, ne remplissant pas les conditions d'âge et de résidence ci-dessus indiquées, lors de la formation des listes, les rempliront avant la clôture définitive de ces listes.

L'absence du caza résultant du service dans les troupes spéciales, dans la gendarmerie libanaise ou dans l'armée française ne portera aucune atteinte aux règles ci-dessus précisées pour l'inscription sur les listes électorales.

Art. 25. Nul ne peut être inscrit sur deux ou plusieurs listes électorales à la fois ou sur les parties de la liste concernant plusieurs localités du caza. Les électeurs qui seraient portés par erreur sur plusieurs listes électorales ou sur plusieurs parties de la même liste électorale devront, au cours du délai de révision faire connaître la localité du lieu de leur principal et réel établissement où ils désirent voter, sous la condition de justifier du délai de résidence avant la clôture définitive des listes électorales.

Toute demande de changement d'inscription adressée à un Président de commission d'inscription électorale devra être accompagnée d'une demande en radiation sur la liste ou l'extrait de liste électorale antérieure, pour être transmise au Président de la Commission d'inscriptions électorales du caza où cette radiation doit être effectuée.

Art. 26. Les militaires et assimilés de tous grades servant dans les troupes spéciales, dans la gendarmerie libanaise ou dans les armées françaises de terre ou de mer, ne prennent part à aucun vote quand ils sont présents à leur corps, à leur poste ou dans l'exercice de leurs fonctions. Ceux qui, au moment de l'élection, se trouvent en résidence libre, en non activité ou en possession d'un congé régulier, peuvent voter dans le caza sur la liste duquel ils sont régulièrement inscrits. Cette dernière disposition s'applique également aux officiers et assimilés qui sont en disponibilité ou dans le cadre de réserve.

Art. 27. Aucun militaire faisant partie des troupes spéciales, de la gendarmerie libanaise ou entré au service des armées actives françaises de terre ou de mer ne pourra, quels que soient son grade ou ses fonctions, être élu membre de la Chambre des Députés. Cette disposition s'applique aux militaires et marins, même en disponibilité ou en non activité, mais elle ne s'étend pas aux militaires qui, ayant acquis des droits à la retraite, sont envoyés ou maintenus dans leurs foyers en attendant la liquidation de leur pension. Elle ne s'étend pas davantage au militaires faisant partie du cadre de réserve ou du cadre territorial qui existe ou pourrait être créé pour les troupes spéciales et pour la gendarmerie libanaise et aux militaires entrés au service des armées françaises de terre ou de mer appartenant au cadre de réserve ou territorial de ces armées.

Art. 28. L'exercice de fonctions publiques ou religieuses rétribuées sur le budget de l'Etat est incompatible avec le mandat de membre de la Chambre des Députés. En conséquence, tout fonctionnaire élu membre de la Chambre des Députés sera remplacé dans ses fonctions si dans les huit jours qui suivront la vérification des pouvoirs, il n'a pas fait connaître qu'il n'accepte pas le mandat de Député. Tout membre de la Chambre des Députés nommé ou promu à une fonction publique salariée, cesse d'appartenir à la Chambre des Députés par le fait même de son acceptation.

Art. 29. Ne peuvent être élus dans quelque circonscription électorale que ce soit, durant l'exercice de leurs fonctions et pendant les six mois qui suivent la cessation de leurs fonctions par démission, destitution, changement de résidence ou de toute manière: 1) le

Secrétaire d'Etat; 2) les Directeurs et Chefs des Services généraux à l'Administration centrale de l'Etat; 3) les magistrats de la Cour d'Appel et de Cassation.

Art. 30. Ne peuvent être élus par le caza ou le district compris en tout ou partie dans leur ressort, durant l'exercice de leurs fonctions et pendant les six mois qui suivent la cessation de leurs fonctions par démission, destitution, changement de résidence ou de toute autre manière: 1) Les administrateurs et caimacams; 2) les magistrats des tribunaux de 1ère instance et les juges de paix; 3) les ingénieurs chefs de district du service des travaux publics; 4) les inspecteurs de l'Instruction Publique; 5) les mohassebjis, mudirmals, les agents de tous grades placés sous leurs ordres, et d'une façon générale, tous les agents des services financiers ou des régies financières; 6) les chefs de tous autres services à l'Administration centrale; 7) les conservateurs forestiers; 8) les commissaires de police.

Art. 31. Tout mandat impératif est nul et de nul effet.

Art. 32. Nul ne peut être candidat dans plus d'une circonscription mais tout éligible peut se présenter dans n'importe quelle circonscription.

Chapitre IV.

Des opérations électorales

Art. 33. Tout citoyen qui se présente ou est présenté aux élections générales ou partielles dans une circonscription où il n'est élu qu'un député, tout citoyen se présentant isolément et tous citoyens se réunissant pour former une liste dans les circonscriptions élisant plusieurs députés doivent, par une déclaration dûment légalisée, faire connaître dans quelle circonscription ils entendent être candidats. Cette déclaration est déposée, contre reçu provisoire, au siège du Gouvernement à Beyrouth, le dixième jour au plus tard avant le jour du scrutin. Il en sera délivré récépissé définitif dans les cinq jours.

Art. 34. Toute déclaration faite en violation de l'article précédent est nulle et irrecevable. Si des déclarations sont déposées par le même citoyen ou le même groupe de citoyens dans plus d'une circonscription, la première en date est seule valable. Si elles portent la même date, toutes sont nulles. En outre, le récépissé provisoire est refusé à toute liste portant plus de noms qu'il n'y a de députés à élire ou portant le nom de candidats appartenant à une autre liste déjà enregistrée dans la même circonscription.

Art. 35. Un candidat inscrit sur une liste ne peut en être rayé que s'il notifie sa volonté de s'en retirer, au siège du Gouvernement à Beyrouth, par acte authentique, cinq jours au moins avant celui du scrutin. Dans ce cas la liste peut être complétée, s'il y a lieu, au plus tard trois jours avant celui du scrutin, par le nom de nouveaux candidats qui font la déclaration de candidature exigée par l'art. 33.

Art. 36. Il est interdit de signer ou d'apposer des affiches, d'envoyer ou de distribuer des bulletins, circulaires ou professions de foi dans l'intérêt d'un candidat ou d'un groupe de candidats qui n'ont pas encore fait leur déclaration de candidature et qui, d'une façon générale, ne se sont pas conformés aux prescriptions du présent arrêté.

Art. 37. Les bulletins au nom d'un citoyen ou d'un groupe de citoyens dont la candidature ou les candidatures sont posées en violation du présent arrêté n'entrent pas en compte dans le résultat du dépouillement et sont annexés au procès-verbal. Les affiches, placards, professions de foi, bulletins de vote, apposés ou distribués pour appuyer une candidature ou un groupe de candidatures dans une circonscription où elles ne peuvent être produites, seront enlevés ou saisis.

Art. 38. Les noms des candidats auxquels a été délivré le récépissé définitif sont successivement et sans délai portés à la connaissance des administrateurs et caimacams; la liste en est affichée, aussitôt sa réception, aux lieux accoutumés pour l'affichage des actes officiels.

Art. 39. La circonscription électorale pour l'élection des députés est le district. Chaque circonscription électorale sera divisée par arrêté du Directeur de l'Intérieur en autant de bureaux de vote que l'exigeront les circonstances locales et le nombre des électeurs.

L'arrêté de sectionnement sera publié dans tous les quartiers de ville et dans toutes les localités de chaque caza, avant la convocation des électeurs.

Art. 40. L'élection des députés a lieu aux bureaux de vote. La salle affectée au scrutin sera expressément indiquée.

Art. 41. Les collèges électoraux ne peuvent s'occuper que de l'élection pour laquelle ils sont réunis. Toutes discussions et toutes délibérations de quelque nature que ce soit, leur sont interdites.

Art. 42. Le Président du bureau de vote a seul la police de l'assemblée. Nulle force ne peut sans sa réquisition être placée dans la salle du scrutin. Les autorités civiles et les commandants de gendarmerie sont tenus de déférer à ses réquisitions.

Art. 43. Les opérations du scrutin pour l'élection des députés sont présidées par l'Administrateur ou pas son Délégué. Les nominations des délégués à la présidence des bureaux de vote doivent être rendues publiques cinq jours au moins avant le scrutin. Le Président est assisté de deux assesseurs au moins et de quatre au plus, de rite différent, dont la moitié est choisie par lui et l'autre moitié désignée par les électeurs présents à l'ouverture du bureau de vote parmi les électeurs sachant lire et écrire et, si possible, d'un ou plusieurs secrétaires fonctionnaires ayant voix consultative. Le Président et la moitié du nombre des assesseurs au moins doivent être présents pendant toute la durée des opérations.

Art. 44. Le bureau se prononce provisoirement sur les difficultiés qui s'élèvent touchant les opérations. Ses décisions sont inscrites au procès-verbal; les pièces ou bulletins qui s'y rapportent y sont annexés, après avoir été parafés par tous les membres du bureau, les secrétaires fonctionnaires exceptés.

Art. 45. Pendant toute la durée des opérations électorales, un extrait officiel de la liste des électeurs reste déposé sur la table autour de laquelle siège le bureau.

Art. 46. Tout électeur inscrit sur cette liste a le droit de prendre part au vote. Néanmoins ce droit est suspendu pour les détenus, pour les accusés contumaces, et pour les personnes non interdites mais retenues dans un établissement d'aliénés.

Art. 47. Nul ne peut être admis à voter s'il n'est inscrit sur la liste. Toutefois, seront admis au vote, quoique non inscrits, les citoyens porteurs d'une décision de la Commission d'inscriptions électorales du caza ou de la Commission Supérieure instituées par les articles 10 et 17.

Chaque électeur ne peut déposer que son vote personnel et doit, en remettant son bulletin de vote, présenter sa carte d'identité. Un secrétaire du bureau frappe le verso de cette carte d'un timbre comportant l'indication du bureau de vote et deux cases avec l'indication du tour de scrutin. Dans la case afférente au scrutin pour lequel l'électeur dépose son bulletin, ce secrétaire porte la date du jour des opérations électorales, et signe.

Art. 48. A l'appel de son nom, l'électeur remet au Président son bulletin fermé. Le Président le dépose dans la boite du scrutin. Cette boite n'a qu'une ouverture destinée à laisser passer le bulletin de vote, et elle doit, avant le commencement du vote, avoir été fermée à deux serrures dissemblables dont les clefs restent l'une entre les mains du Président, l'autre entre celles de l'assesseur le plus âgé désigné par les électeurs.

Si, au moment de la clôture du scrutin, le Président n'a pas les deux clefs à sa disposition, il prendra toutes les mesures nécessaires pour procéder immédiatement à l'ouverture de l'urne.

Art. 49. Le vote de chaque électeur est constaté par la signature ou le parafe de l'un des membres bureau, apposé, en marge du nom du votant, sur une liste qui est la reproduction de l'extrait officiel de la liste électorale.

Art. 50. Après la clôture du scrutin, il est procédé au dépouillement de la manière suivante. La boîte du scrutin est ouverte et le nombre des bulletins vérifié. Si ce nombre est plus grand ou moindre que celui des votants, il en est fait mention au procès-verbal. Le dépouillement est effectué par les soins du bureau à moins que le nombre des électeurs dépasse trois cents, auquel cas le bureau peut désigner, parmi les électeurs présents, un certain nombre de scrutateurs sachant lire et écrire, lesquels se divisent par tables de quatre au moins. Si plusieurs candidats ou plusieurs listes sont en présence, il leur sera permis dans l'éventualité ci-dessus visée, de désigner respectivement les scrutateurs, lesquels devront être, autant que possible, répartis également par chaque table de dépouillement. Le Président répartit entre les diverses tables les bulletins à vérifier. A chaque table, l'un des scrutateurs lit chaque bulletin à haute voix et le passe à un autre scrutateur; les suffrages sont relevés sur des feuilles de dépouillement des votes préparés à cet effet. Dans le cas où il est recouru aux électeurs présents pour le dépouillement, le président et les membres du bureau en surveillent les opérations.

Art. 51. Les tables sur lesquelles s'opère le dépouillement du scrutin sont disposées de telle sorte que les électeurs puissent circuler alentour.

Art. 52. Les bulletins blancs, ceux ne contenant pas une désignation suffisante ou dans lesquels les votants se font connaître, les bulletins illisibles, ceux qui sont établis sur papier de couleur ou qui portent un signe extérieur, ceux qui portent des mentions injurieuses pour les candidats ou pour des tiers, n'entrent point en compte dans le résultat du dépouillement, mais ils sont annexés au procès-verbal.

Art. 53. Les électeurs n'ont à préparer qu'un seul bulletin de vote qui doit comporter autant de noms qu'il y a de députés à élire et qui ne doit comporter que ce nombre exactement. Si malgré cette prescription un bulletin de vote porte un nombre de candidats supérieur à celui des députés à élire, seuls les noms des candidats de chaque rite, inscrits en première ligne, sont retenus au moment du dépouillement du scrutin.

Art. 54. Immédiatement après le dépouillement, le résultat provisoire du scrutin est rendu public par le Président, et les bulletins autres que ceux qui, conformément aux articles 37 et 52 doivent être annexés au procès-verbal, sont brûlés en présence des électeurs.

Art. 55. Dès la proclamation du résultat provisoire du scrutin le procès-verbal des opérations est dressé en double exemplaire, arrêté et signé par tous les membres du bureau. Les deux exemplaires de ce procès-verbal, avec les bulletins annexés et les listes d'émargement, sont apportés aussitôt par le Président du Bureau de vote à l'Administrateur pour être remis à la Commission d'inscriptions électorales du caza chef-lieu avec les bulletins annexés et les listes d'émargement.

La vérification des dépouillements et la proclamation des résultats définitifs sont effectués par la Commission d'inscriptions électorales du caza chef-lieu.

La Commission d'inscriptions électorales remet à l'Administrateur, un procès-verbal complet de cette vérification et de cette proclamation. L'Administrateur conserve ce procès-verbal dans ses archives et en fait parvenir une copie conforme au Directeur de l'Intérieur.

Art. 56. Au premier tour de scrutin, nul n'est élu dans le cas de scrutin uninominal comme dans celui du scrutin de liste, s'il n'a réuni la moitié plus un des suffrages exprimés. Le nombre des suffrages exprimés s'obtient en déduisant du nombre des votants celui des bulletins qui ne doivent pas entrer en ligne de compte aux termes des articles 37 et 52.

Lorsque le nombre des suffrages exprimés est un nombre impair, la majorité absolue s'obtient en prenant la moitié du nombre pair immédiatement au-dessous et en ajoutant le nombre un.

Art. 57. Le scrutin pour l'élection des députés s'ouvre à huit heures et il est clos à seize heures. Il dure pendant deux jours au maximum. Le décret convoquant les collèges électoraux fixera la date et la durée du scrutin.

Les boîtes de scrutin sont scellées et déposées dans la salle de scrutin dont les ouvertures sont également scellées.

Si après le premier tour de scrutin pour l'élection des députés il reste encore des députés à élire, il sera procédé, cinq jours au moins et huit jours au plus après le premier jour à un second tour de scrutin pour lequel la majorité relative suffira.

En cas d'égalité de suffrages le plus âgé est élu. Les opérations électorales pour le 2^{me} tour de scrutin ont lieu dans les mêmes conditions que pour le premier.

Chapitre V.

Affichage électoral

Art. 58. Des affiches contenant le texte en arabe et en français du présent réglement électoral seront fournies par le Gouvernement et placardées par les soins des administrations de cazas ou des moukhtars aux endroits accoutumés pour l'affichage officiel pendant la période électorale, et à la porte des salles de chaque bureau de vote, le jour du scrutin.

Art. 59 Les affiches électorales sont dispensées de timbre.

Art. 60. Pendant la durée de la période électorale de toutes les élections, dans chaque ville ou agglomération, des emplacements spéciaux sont réservés par l'Administration pour l'apposition des affiches électorales. Dans chacun de ces emplacements, une surface égale sera attribuée à chaque candidat ou à chaque liste de candidats. Le nombre maximum de ces emplacements en dehors de ceux établis à côté des bureaux de vote est fixé à un par chaque centaine d'électeurs dans les agglomérations ayant cinq cents électeurs au moins, dix dans les autres, plus un, par trois mille électeurs ou fraction supérieure à deux mille dans les villes ayant plus de cinq mille électeurs.

Tout affichage relatif à l'élection, même par affiches timbrées, est interdit en dehors de cet emplacement ou sur l'emplacement réservé aux autres candidats.

En outre, aucune affiche ne pourra être apposée si trois exemplaires, signés par le ou les candidats, n'ont été remis douze heures au moins avant l'affichage, dans les bureaux de l'Administrateur ou caimacam au ressort duquel appartient la circonscription électorale où l'affichage doit avoir lieu; il sera donné récépissé du dépôt. Chaque affiche devra porter les nom et adresse de l'imprimeur.

Art. 61. Toute personne qui aura contrevenu aux dispositions du deuxième et troisième alinéas de l'art. 60 du présent arrêté sera punie d'une amende de vingt-cinq à soixante-quinze piastres libano-syriennes par contravention. Les affiches apposées en contravention aux dispositions de ces deux alinéas seront lacérées.

Art. 62. En cas de récidive, les contrevenants seront punis d'une amende de quatre-vingts piastres libano-syriennes à cinq livres libano-syriennes par contravention. Il y a récidive lorsque, dans les douze mois antérieurs au fait poursuivi, le contrevenant a déjà subi une condamnation pour une contravention identique.

CHAPITRE VI.

Dispositions Pénales

Art. 63 to 90.

DECLARATION BY GENERAL CATROUX, ON BEHALF OF GENERAL DE GAULLE

8TH JUNE, 1941[1]

"Syriens et Libanais! A l'heure où les forces de la France Libre unies aux forces de l'Empire Britannique, son Alliée, pénètrent sur votre territoire, je déclare assumer les pouvoirs, les responsabilités et les devoirs du représentant de la France au Levant. Ceci au nom de la France Libre, qui s'identifie avec la France traditionelle et authentique, et au nom de son chef, le Général de Gaulle. En cette qualité je viens mettre un terme au régime du mandat et vous proclamer libres et indépendants. Vous serez donc désormais des peuples souverains et indépendants et vous pourrez soit vous constituer en États distincts, soit vous rassembler en un seul État. Dans les deux hypothèses votre statut d'indépendance et de souveraineté sera garanti par un traité où seront en outre définis nos rapports réciproques. Ce traité sera négocié dès que possible entre vos représentants et moi. En attendant sa conclusion, notre situation mutuelle sera celle d'alliées étroitement unies dans la poursuite d'un idéal et de buts communs. Syriens et Libanais! Vous jugerez par cette déclaration que si les forces Françaises Libres et les forces Britanniques franchissent vos frontières ce n'est pas pour opprimer votre liberté, c'est pour l'assurer. C'est pour chasser de la Syrie les forces d'Hitler. C'est pour empêcher que le Levant devienne contre les Britanniques et contre nous une base offensive de l'ennemi. Nous ne pouvons permettre, nous qui combattons pour la liberté des peuples, que, submergeant peu à peu votre pays, les ennemis puissent s'emparer de vos personnes et de vos biens et faire de vous des esclaves. Nous ne permettrons pas que les populations que la France a promis de défendre soient jetées entre les mains du maître le plus impitoyable que l'histoire ait connu. Nous ne permettrons pas que les intérêts séculaires de la France au Levant soient livrés à l'ennemi. Syriens et Libanais! Si, répondant à mon appel, vous vous ralliez à nous, vous devez savoir que le Gouvernement Britannique d'accord avec la France Libre s'est engagé à vous consentir tous les avantages dont jouissent les pays libres qui leur sont associés. C'est ainsi que le blocus sera levé et que vous entrerez sur-le-champ en relations avec le bloc de la livre sterling, ce qui ouvrira les plus larges possibilités à votre commerce d'importation et d'exportation. Vos achats et vos ventes avec tous les pays libres se feront librement. Syriens et Libanais! La France vous déclare indépendants par la voix de ceux de ses fils qui combattent pour sa vie et pour la liberté du monde."

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[1] The British policy with respect to Syria and the Lebanon is reflected in the Declaration of the British Ambassador at Cairo, Sir Miles Lampson, of June 8, 1941, in a speech of the British Prime Minister of June 10, 1941, and in an exchange of letters between the British Minister of State, Captain Oliver Lyttelton, and General de Gaulle, of August 7, 1941 (Cmd. 6600. 1945).—ED.

AN ACCORD BRINGING ABOUT THE END OF HOSTILITIES IN SYRIA AND LEBANON

Anglo-French Agreement on Syria

July 15, 1941

I.

General Sir Henry Maitland Wilson, G.B.E., K.C.B., D.S.O., commander in chief of the Allied forces in Palestine and Syria, acting in the name of the commander in chief of the Middle East for the first part; and

General de Verdilhac, Legion of Honor, assistant to the commander in chief of the troops of the Levant, acting in the name of the French high command for the second part, have reached an agreement bringing about the end of hostilities in Syria and Lebanon, of which the hostilities stopped July 11, 1941, at 9:01 p.m. (Greenwich mean time).

II.

The Allied forces will occupy the Syrian and Lebanon territories. The French forces will be concentrated in certain zones fixed by the committee composed of representatives of the two parties. This concentration should be achieved by Tuesday, July 15, 1941, at the noon hour, at which the Allied forces will move toward the occupation of certain strategic points.

Until their repatriation the French troops will remain with reduced officer personnel under the French command, which will see after their supply and with that purpose keep the existing quartermaster stocks. Special dispositions are foreseen for the Jebel ed Druz, where for reasons of security French troops will stay in their garrisons until relieved by British troops.

III.

In order to insure the public security, the occupation of the principal Syrian and Lebanese localities will be carried out according to a program which will permit the immediate replacement of the French forces by the occupying forces.

IV.

Sea and land mine fields will be disclosed to the occupying authorities.

V.

All the honors of war will be rendered the French forces. These will withdraw to the concentration zones which have been designated, with all arms, including cannons, machine guns, tanks, automatic rifles and all their ammunition. All necessary measures will be taken by the French command to avoid arms and munitions being left abandoned on the field of battle wherever they are. The French military authorities to give all necessary assistance toward retrieving arms which may be found in the hands of the population.

VI.

In consideration of the honors of war accorded the French forces, officers and noncomissioned officers and French soldiers are authorized to keep their individual arms (rifles or carbines, revolvers, bayonets, swords or sabers). Soldiers are to keep no munitions. In each unit, for security reasons, a reduced amount of munitions are to be left. The police will keep its arms and a reduced quantity of munitions. All other war material, including guns of the coastal batteries, antiaircraft batteries, as well as military vehicles, are to be stocked under control of the British authorities. These will proceed with inspection of the material and will have the right to take over material which is necessary for them. The rest is to be destroyed by the French authorities under the control of the British authorities.

VII.

Prisoners of the Allied forces are to be immediately freed, including those who have been transferred to France. As far as the latter are concerned, the British authorities reserve the right to hold in captivity an equal number of French officers as far as possible of the same grade until the prisoners transferred to France have been liberated.

French prisoners are to be liberated when all Syrian and Lebanon territory will have been occupied and the clauses of the present accord fully executed. They are to be given an opportunity to rejoin their units with a view toward their repatriation.

VIII.

The alternative of joining the Allied cause or being repatriated is to be left to the free choice of each individual, civilian as well as military. Civilians who do not join the Allied cause may on their demand be permitted by the British authorities to remain in the Levant.

IX.

Administrative officials and officials of the technical services and officers of special services are to remain in office a necessary amount of time to assure continuity of the administration of the country until they are able to be replaced. They then are to be repatriated if they express the desire. They can be dismissed for a reprehensible attitude or insufficient service.

X.

British authorities agree that the repatriation of French troops is to be carried out by French sea transports, provided this repatriation concerns only persons who opted for repatriation. British authorities have the right to control repatriation operations.

XI.

Monetary possessions of repatriated French citizens are to be transferred according to methods to be established.

Those concerned are to receive payment no less favorable than that applied to British subjects who recently left the Levant.

XII.

French institutions (hospitals, schools, religious missions, etc.) are assured that their rights will be respected.

XIII.

Administrations of public services and public utilities, including railroads, municipal transportation, electric installations and water systems, will be kept in functioning condition with their personnel and turned over intact.

XIV.

All means of telephone, telegraph and radio telegraphic communications, including submarine cable, to be turned over intact to the occupying authorities. The use of telegraph connections with France is to be assured for the French command on the same conditions as for other users.

XV.

All port installations, naval establishments and all ships, including British vessels in Syrian and Lebanese territorial waters, are to be turned over intact to the occupying authorities.

XVI.

All airplanes, all equipment and all aeronautic installations in Syrian and Lebanese territory to be turned over intact immediately after signature of the present convention.

The British are to be given an opportunity to utilize all airdromes and landing fields existing in Syria and Lebanon.

XVII.

Stocks of fuel oil are to be delivered intact. Necessary quantities for military transportation are to be placed at the disposition of the French command.

XVIII.

Money and other means of payment in circulation or reserve in banking establishments and public funds are not to be destroyed or diverted.

XIX.

British military authorities reserve the right to take in their service special troops of the Levant as fast as they are released by the French authorities. The arms of these troops must be turned over to the British authorities.

XX.

The British authorities are not to impose any sanctions against Syrian and Lebanese natives who took part in the recent hostilities either as soldiers or administrators.

XXI.

The execution of the present accord is to be regulated and controlled by "a control commission," which will have headquarters at

Beirut and which will be composed of five members. Three of these members, including the president, are to be designated by the British authorities, the other two by the French authorities.

This commission may name as many subcommissions and take advice from as many experts as necessary.

XXII.

The present accord is done in two languages (French and English). In case of disagreement the English text is to be followed.

Palestine

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MANDATE FOR PALESTINE[1]

JULY 24, 1922

The Council of the League of Nations:

Whereas the Principal Allied Powers have agreed, for the purpose of giving effect to the provisions of Article 22 of the Covenant of the League of Nations,[2] to entrust to a Mandatory selected by the said Powers the administration of the territory of Palestine, which formerly belonged to the Turkish Empire, within such boundaries as may be fixed by them; and

Whereas the Principal Allied Powers have also agreed that the Mandatory should be responsible for putting into effect the declaration originally made on November 2nd, 1917,[3] by the Government of His Britannic Majesty, and adopted by the said Powers, in favour of the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing should be done which might prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country; and

Whereas recognition has thereby been given to the historical connection of the Jewish people with Palestine and to the grounds for reconstituting their national home in that country; and

Whereas the Principal Allied Powers have selected His Britannic Majesty as the Mandatory for Palestine; and

Whereas the mandate in respect of Palestine has been formulated in the following terms and submitted to the Council of the League for approval; and

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[1] Cf. also the Convention between the United States and Great Britain, signed at London, December 3, 1924, *Rights in Palestine* (Treaty Series No. 728, Government Printing Office, Washington, 1926); Publications of the Department of State, Near Eastern Series, No. 1, *Mandate for Palestine* (Government Printing Office, Washington, 1921); *Correspondence with the Palestine Arab Delegation and the Zionist Organisation* (Cmd. 1700. H.M. Stationery Office, London, 1922); *Proposed New Constitution for Palestine* (Cmd. 5119. H.M. Stationery Office, London, 1926); *Palestine Royal Commission, Summary of Report* (Colonial No. 135, H.M. Stationery Office, London, 1937); *Palestine, Statement of Policy* (White Paper) (Cmd. 6019. H.M. Stationery Office, London, 1939).—ED.

[2] See pp. 396-397.

[3] See the text of the Balfour Declaration, p. 217.

Whereas His Britannic Majesty has accepted the mandate in respect of Palestine and undertaken to exercise it on behalf of the League of Nations in conformity with the following provisions; and

Whereas by the afore-mentioned Article 22 (paragraph 8) it is provided that the degree of authority, control or administration to be exercised by the Mandatory, not having been previously agreed upon by the Members of the League, shall be explicitly defined by the Council of the League of Nations;

Confirming the said mandate, defines its terms as follows:

Art. 1. The Mandatory shall have full powers of legislation and of administration, save as they may be limited by the terms of this mandate.

Art. 2. The Mandatory shall be responsible for placing the country under such political, administrative and economic conditions as will secure the establishment of the Jewish national home, as laid down in the preamble, and the development of self-governing institutions, and also for safeguarding the civil and religious rights of all the inhabitants of Palestine, irrespective of race and religion.

Art. 3. The Mandatory shall, so far as circumstances permit, encourage local autonomy.

Art. 4. An appropriate Jewish agency shall be recognised as a public body for the purpose of advising and co-operating with the Administration of Palestine in such economic, social and other matters as may affect the establishment of the Jewish national home and the interests of the Jewish population in Palestine, and, subject always to the control of the Administration, to assist and take part in the development of the country.

The Zionist organisation, so long as its organisation and constitution are in the opinion of the Mandatory appropriate, shall be recognized as such agency. It shall take steps in consultation with His Britannic Majesty's Government to secure the co-operation of all Jews who are willing to assist in the establishment of the Jewish national home.

Art. 5. The Mandatory shall be responsible for seeing that no Palestine territory shall be ceded or leased to, or in any way placed under the control of, the Government of any foreign Power.

Art. 6. The Administration of Palestine, while ensuring that the rights and position of other sections of the population are not prejudiced, shall facilitate Jewish immigration under suitable conditions and shall encourage, in co-operation with the Jewish agency referred to in Article 4, close settlement by Jews on the land, including State lands and waste lands not required for public purposes.

Art. 7. The Administration of Palestine shall be responsible for enacting a nationality law. There shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine.

Art. 8 The privileges and immunities of foreigners, including the benefits of consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, shall not be applicable in Palestine.

Unless the Powers whose nationals enjoyed the afore-mentioned privileges and immunities on August 1st, 1914, shall have previously renounced the right to their re-establishment, or shall have agreed to their non-application for a specified period, these privileges and immunities shall, at the expiration of the mandate, be immediately re-established in their entirety or with such modifications as may have been agreed upon between the Powers concerned.

Art. 9. The Mandatory shall be responsible for seeing that the judicial system established in Palestine shall assure to foreigners, as well as to natives, a complete guarantee of their rights.

Respect for the personal status of the various peoples and communities and for their religious interests shall be fully guaranteed. In particular, the control and administration of Wakfs shall be exercised in accordance with religious law and the dispositions of the founders.

Art. 10. Pending the making of special extradition agreements relating to Palestine, the extradition treaties in force between the Mandatory and other foreign Powers shall apply to Palestine.

Art. 11. The Administration of Palestine shall take all necessary measures to safeguard the interests of the community in connection with the development of the country, and, subject to any international obligations accepted by the Mandatory, shall have full power to provide for public ownership or control of any of the natural resources of the country or of the public works, services and utilities established or to be established therein. It shall introduce a land system appropriate to the needs of the country, having regard, among other things, to the desirability of promoting the close settlement and intensive cultivation of the land.

The Administration may arrange with the Jewish agency mentioned in Article 4 to construct or operate, upon fair and equitable terms, any public works, services and utilities, and to develop any of the natural resources of the country, in so far as these matters are not directly undertaken by the Administration. Any such arrangements shall provide that no profits distributed by such agency, directly or indirectly, shall exceed a reasonable rate of interest on the capital, and any further profits shall be utilised by it for the benefit of the country in a manner approved by the Administration.

Art. 12. The Mandatory shall be entrusted with the control of the foreign relations of Palestine and the right to issue exequaturs to consuls appointed by foreign Powers. He shall also be entitled to afford diplomatic and consular protection to citizens of Palestine when outside its territorial limits.

Art. 13. All responsibility in connection with the Holy Places and religious buildings or sites in Palestine, including that of preserving existing rights and of securing free access to the Holy Places, religious buildings and sites and the free exercise of worship, while ensuring the requirements of public order and decorum, is assumed by the Mandatory, who shall be responsible solely to the League of Nations in all matters connected herewith, provided that nothing in this article shall prevent the Mandatory from entering into such arrangements as he may deem reasonable with the Administration for the purpose of carrying the provisions of this article into effect; and provided also that nothing in this mandate shall be construed as conferring upon the Mandatory authority to interfere with the fabrie or the management of purely Moslem sacred shrines, the immunities of which are guaranteed.

Art. 14. A special Commission shall be appointed by the Mandatory to study, define and determine the rights and claims in connection with the Holy Places and the rights and claims relating to the different religious communities in Palestine. The method of nomination, the composition and the functions of this Commission shall be submitted to the Council of the League for its approval, and the Commission shall not be appointed or enter upon its functions without the approval of the Council.

Art. 15. The Mandatory shall see that complete freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, are ensured to all. No discrimination of any kind shall be made between the inhabitants of Palestine on the ground of race, religion or language. No person shall be excluded from Palestine on the sole ground of his religious belief.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the Administration may impose, shall not be denied or impaired.

Art. 16. The Mandatory shall be responsible for exercising such supervision over religious or eleemosynary bodies of all faiths in Palestine as may be required for the maintenance of public order and good government. Subject to such supervision, no measures shall be taken in Palestine to obstruct or interfere with the enterprise of such bodies or to discriminate against any representative or member of them on the ground of his religion or nationality.

Art. 17. The Administration of Palestine may organise on a voluntary basis the forces necessary for the preservation of peace and order, and also for the defence of the country, subject, however, to the supervision of the Mandatory, but shall not use them for purposes other than those above specified save with the consent of the Mandatory. Except for such purposes, no military, naval or air forces shall be raised or maintained by the Administration of Palestine.

Nothing in this article shall preclude the Administration of Palestine from contributing to the cost of the maintenance of the forces of the Mandatory in Palestine.

The Mandatory shall be entitled at all times to use the roads, railways and ports of Palestine for the movement of armed forces and the carriage of fuel and supplies.

Art. 18. The Mandatory shall see that there is no discrimination in Palestine against the nationals of any State Member of the League of Nations (including companies incorporated under its laws) as compared with those of the Mandatory or of any foreign State in matters concerning taxation, commerce or navigation, the exercise of industries or professions, or in the treatment of merchant vessels or civil aircraft. Similarly, there shall be no discrimination in Palestine against goods originating in or destined for any of the said States, and there shall be freedom of transit under equitable conditions across the mandated area.

Subject as aforesaid and to the other provisions of this mandate, the Administration of Palestine may, on the advice of the Mandatory, impose such taxes and Customs duties as it may consider necessary, and take such steps as it may think best to promote the development of the natural resources of the country and to safeguard the interests of the population. It may also, on the advice of the Mandatory, conclude a special Customs agreement with any State the territory of which in 1914 was wholly included in Asiatic Turkey or Arabia.

Art. 19. The Mandatory shall adhere on behalf of the Administration of Palestine to any general international conventions already existing, or which may be concluded hereafter with the approval of the League of Nations, respecting the slave traffic, the traffic in arms and ammunition, or the traffic in drugs, or relating to commercial equality, freedom of transit and navigation, aerial navigation and postal, telegraphic and wireless communication or literary, artistic or industrial property.

Art. 20. The Mandatory shall co-operate on behalf of the Administration of Palestine, so far as religious, social and other conditions may permit, in the execution of any common policy adopted by the League of Nations for preventing and combating disease, including diseases of plants and animals.

Art. 21. The Mandatory shall secure the enactment within twelve months from this date, and shall ensure the execution of a Law of Antiquities based on the following rules. This law shall ensure equality of treatment in the matter of excavations and archaeological research to the nationals of all States Members of the League of Nations.

(1) "Antiquity" means any construction or any product of human activity earlier than the year 1700 A.D.

(2) The law for the protection of antiquities shall proceed by encouragement rather than by threat.

Any person who, having discovered an antiquity without being furnished with the authorisation referred to in paragraph 5, reports the same to an official of the competent Department, shall be rewarded according to the value of the discovery.

(3) No antiquity may be disposed of except to the competent Department, unless this Department renounces the acquisition of any such antiquity.

No antiquity may leave the country without an export licence from the said Department.

(4) Any person who maliciously or negligently destroys or damages an antiquity shall be liable to a penalty to be fixed.

(5) No clearing of ground or digging with the object of finding antiquities shall be permitted, under penalty of fine, except to persons authorised by the competent Department.

(6) Equitable terms shall be fixed for expropriation, temporary or permanent, of lands which might be of historical or archaeological interest.

(7) Authorisation to excavate shall only be granted to persons who show sufficient guarantees of archaeological experience. The Administration of Palestine shall not, in granting these authorisations, act in such a way as to exclude scholars of any nation without good grounds.

(8) The proceeds of excavations may be divided between the excavator and the competent Department in a proportion fixed by that Department. If division seems impossible for scientific reasons, the excavator shall receive a fair indemnity in lieu of a part of the find.

Art. 22. English, Arabic and Hebrew shall be the official languages of Palestine. Any statement or inscription in Arabic on stamps or money in Palestine shall be repeated in Hebrew and any statement or inscription in Hebrew shall be repeated in Arabic.

Art. 23. The Administration of Palestine shall recognise the holy days of the respective communities in Palestine as legal days of rest for the members of such communities.

Art. 24. The Mandatory shall make to the Council of the League of Nations an annual report to the satisfaction of the Council as to the measures taken during the year to carry out the provisions of the mandate. Copies of all laws and regulations promulgated or issued during the year shall be communicated with the report.

Art. 25.[1] In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided that no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18.

Art. 26. The Mandatory agrees that, if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations.

Art. 27. The consent of the Council of the League of Nations is required for any modification of the terms of this mandate.

Art. 28. In the event of the termination of the mandate hereby conferred upon the Mandatory, the Council of the League of Nations shall make such arrangements as may be deemed necessary for safeguarding in perpetuity, under guarantee of the League, the rights secured by Articles 13 and 14, and shall use its influence for securing, under the guarantee of the League, that the Government of Palestine will fully honour the financial obligations legitimately incurred by the Administration of Palestine during the period of the mandate, including the rights of public servants to pensions or gratuities.

The present instrument shall be deposited in original in the archives of the League of Nations and certified copies shall be forwarded by the Secretary-General of the League of Nations to all Members of the League.

Done at London the twenty-fourth day of July, 1922.

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[1] Cf. Trans-Jordan, *Memorandum* by the British Government relating to the application of the Mandate for Palestine to Trans-Jordan. See pp. 302-303.—Ed.

THE BALFOUR DECLARATION

NOVEMBER 2, 1917

His Majesty's Government view with favour the establishment in Palestine of a National Home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.[1]

THE PALESTINE ORDER IN COUNCIL

1922

AT THE COURT AT BUCKINGHAM PALACE,
THE 10TH DAY OF AUGUST, 1922

AS AMENDED BY THE PALESTINE (AMENDMENT) ORDER IN COUNCIL OF MAY 4, 1923, THE PALESTINE (AMENDMENT) ORDER IN COUNCIL OF FEBRUARY 7, 1933, AND THE PALESTINE (AMENDMENT) ORDER IN COUNCIL OF FEBRUARY 21, 1935

PART I.

PRELIMINARY

1. This Order may be cited as "The Palestine Order in Council, 1922."

The limits of this Order are the territories to which the Mandate for Palestine applies, hereinafter described as Palestine.

2. In this Order the word:—

"Secretary of State" means one of His Majesty's Principal Secretaries of State.

"The High Commissioner" shall include every person for the time being administering the Government of Palestine.

"Public Lands" means all lands in Palestine which are subject to the control of the Government of Palestine by virtue of Treaty, convention, agreement or succession, and all lands which are or shall be acquired for the public service or otherwise.

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[1] "The text of the Declaration had been submitted to President Wilson and had been approved by him before its publication. On the 14th February and the 9th May, 1918, the French and Italian Governments publicly endorsed it" (*Palestine Royal Commission Report*, June 22, 1937, Cmd. 5479, 1937. H.M. Stationery Office, London, p. 22). Cf. Mandate for Palestine, July 24, 1922, Preamble, par. 2, on p. 209.—ED.

"The Mandate" means the Mandate for Palestine which was confirmed, and the terms of which were defined by the Council of the League of Nations on the 24th day of July, 1922.

"The High Commissioner in Council" means the High Commissioner acting by and with the advice of the Executive Council.

"Gazette" means the Official Gazette of Palestine.

"Person" includes Corporation.

Words importing the plural or the singular may be construed as referring to one person or thing or to more than one person or thing, and words importing the masculine as referring to females (as the case may require).

3. (1) Where this Order or any Ordinance confers a power or imposes a duty, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed from time to time as occasion requires.

(2) Where this Order or any Ordinance confers a power or imposes a duty on the holder of an office, then, unless a contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by a person duly appointed to act for him.

(3) Where this order or any Ordinance confers a power to make rules, regulations or orders, then, unless a contrary intention appears, the power shall be construed as including a power, exercisable in the like manner and subject to the like approval and conditions (if any) to rescind, revoke, amend or vary the rules, regulations or orders.

(4) Expressions defined in this Order shall have the same respective meaning in any Ordinances, rules or regulations made under this Order, unless a contrary intention appears.

PART II.

EXECUTIVE

4. His Majesty may, by a Commission under His Sign Manual and Signet, appoint a fit person to administer the Government of Palestine under the designation of High Commissioner and Com-

mander-in-Chief or such other designation as His Majesty thinks fit, and the person so appointed is hereinafter referred to as the High Commissioner.

5. The High Commissioner shall do and execute in due manner all things that shall belong to the said office, according to the tenour of any Orders in Council relating to Palestine and of such Commission as may be issued to him under His Majesty's Sign Manual and Signet, and according to such instructions as may from time to time be given to him, for the purpose of executing the provisions of the Mandate, under His Majesty's Sign Manual and Signet, or by Order of His Majesty in Council or by His Majesty through one of His Principal Secretaries of State, and to such laws and ordinances as are now or shall hereafter be in force in Palestine.

6. Every person appointed to fill the Office of High Commissioner shall, with all due solemnity, before entering on any of the duties of his office, cause the Commission appointing him to be High Commissioner to be read and published in the presence of the Chief Justice, or if the Chief Justice is not able to attend, in the presence of such other of His Majesty's Officers in Palestine as can conveniently attend, which being done, he shall then and there take before him or them the Oath of Allegiance in the form provided by an Act passed in the Session holden in the Thirty-first and Thirty-second years of the Reign of Her Majesty Queen Victoria, entitled, "An Act to amend the Law relating to Promissory Oaths," and likewise the usual oaths for the due execution of the Office of High Commissioner and for the due and impartial administration of justice, which oaths the said Chief Justice, or some other of His Majesty's Officers then present, is hereby required to administer.

7. Whenever the office of High Commissioner is vacant or if the High Commissioner become incapable or be absent from Palestine, or be from any cause prevented from acting in the duties of his office, the person appointed to be Chief Secretary to the Government of Palestine, or if there be no such officer therein, or such officer be unable to act, then such person or persons as His Majesty may appoint under His Sign Manual and Signet and in default of such appointment the Senior Member of the Executive Council shall during His Majesty's pleasure administer the Government of Palestine, first taking the oaths hereinbefore directed to be taken by the

High Commissioner and in the manner herein prescribed, which being done, the Chief Secretary or any other such Administrator as aforesaid is hereby authorised, empowered and commanded to do and execute during His Majesty's pleasure, all things that belong to the office of the High Commissioner according to the tenour of this Order, and according to His Majesty's Instructions as aforesaid, and the laws of Palestine.

Provided that the High Commissioner during his passage by sea from one part of Palestine to another, or when, in the exercise or discharge of any powers or duties by this Order in Council or otherwise conferred or imposed upon him, he is in any territories adjacent to or near to Palestine, shall not be considered to be absent from Palestine.

8. In the event of the High Commissioner having occasion at any time to be temporarily absent for a short period from the seat of Government, or, in the exercise or discharge of any powers or duties conferred or imposed upon him by His Majesty, or through one of His Majesty's Principal Secretaries of State, to visit any territories adjacent to or near to Palestine, he may by an instrument under the Public Seal of Palestine appoint the Chief Secretary, or if there be no such Officer or such Officer is absent or unable to act, then any other person to be his Deputy within any part of Palestine, during such temporary absence and in that capacity to exercise, perform and execute, for and on behalf of the High Commissioner during such absence but no longer, all such powers and authorities vested in the High Commissioner (except the power of pardon), as shall in and by such instrument be specified and limited, but no others. Every such Deputy shall conform to and observe all such instructions as the High Commissioner shall from time to time address to him for his guidance. Provided nevertheless that by the appointment of a Deputy as aforesaid the power and authority of the High Commissioner shall not be abridged, altered, or in any way affected otherwise than His Majesty may at any time think proper to direct.

9. The High Commissioner shall keep and use the Public Seal of Palestine for the sealing of all things whatsoever that shall pass the said Public Seal.

10. There shall be for the purpose of assisting the High Commissioner an Executive Council which shall be composed of such

persons and constituted in such manner as may be directed by any instructions which may from time to time be addressed to the High Commissioner by His Majesty, under His Majesty's Sign Manual and Signet, and all such persons shall hold their places in the said Council during His Majesty's pleasure; and the said Executive Council shall observe such Rules in the conduct of business as may from time to time be contained in any such Instructions as aforesaid.

11. (1) The High Commissioner may, with the approval of a Secretary of State, by Proclamation divide Palestine into administrative divisions or districts in such manner and with such subdivisions as may be convenient for purposes of administration describing the boundaries thereof and assigning names thereto.

(2) If a question arises whether any place is or is not within any administrative division or district, and such question does not appear to be determined by any such Proclamation or other evidence, it shall be referred to the High Commissioner, and a certificate under his hand and seal shall be conclusive on the question, and judicial notice shall be taken thereof.

12. (1) All rights in or in relation to any public lands shall vest in and may be exercised by the High Commissioner for the time being in trust for the Government of Palestine.

(2) All mines and minerals of every kind and description whatsoever being in, under or on any land or water, whether the latter be inland rivers or seas or territorial waters, shall vest in the High Commissioner subject to any right subsisting at the date of this Order of any person to work such mines or minerals by virtue of a valid concession.

13. The High Commissioner may make grants or leases of any such public lands or mines or minerals or may permit such lands to be temporarily occupied on such terms or conditions as he may think fit subject to the provisions of any Ordinance.

Provided that such grant or disposition shall be in conformity either with some Order in Council or Law or Ordinance now or hereafter in force in Palestine, or with such instructions as may be addressed to the High Commissioner under His Majesty's Sign Manual and Signet, or through a Secretary of State, for the purposes of executing the provisions of the Mandate.

14. The High Commissioner may, subject to the direction of

the Secretary of State, appoint or authorise the appointment of such public officers of the Government of Palestine under such designations as he may think fit, and may prescribe their duties; and all such public officers, unless otherwise provided by law, shall hold their offices during the pleasure of the High Commissioner.

15. The High Commissioner may, subject to such instructions as may from time to time be given to him, upon sufficient cause to him appearing, dismiss or suspend from the exercise of his office any person holding any public office within Palestine, or, subject as aforesaid, may take such other disciplinary action as may seem to him desirable.

16. When any crime or offence has been committed within Palestine, or for which the offender may be tried therein, the High Commissioner may, as he shall see occasion, grant a pardon to any accomplice in such crime or offence who shall give such information and evidence as shall lead to the conviction of the principal offender or of any such offenders if more than one; and further may grant to any offender convicted of any crime or offence in any Court or before any Judge, or Magistrate, within Palestine a pardon, either free or subject to lawful conditions, or any remission of the sentence passed on such offender, or any respite of the execution of such sentence, for such period as the High Commissioner thinks fit, and may, as he shall see occasion, remit any fines, penalties or forfeitures which may accrue or become payable in virtue of the judgment of any Court or Magistrate in Palestine.

16 A. (as added February 7, 1933) The High Commissioner may, if he thinks fit, by order under his hand to be published in the Gazette, convert such land in Palestine of the category termed "miri", as may be described in such order, into land of the category termed "mulk".

16 B. (as added February 21, 1935) The High Commissioner may if he thinks fit by order under his hand to be published in the Gazette, replace any tithes or taxes dedicated to a wakf or whatever category or other charitable or religious endowment by any other tax imposed in lieu thereof, and may further with the sanction of the Secretary of State and subject to such instructions as may from time to time be given to him, commute any such tithes, or tax, or

substituted tax, by an annual payment or otherwise to the wakf or religious or charitable endowment.

PART III.

LEGISLATURE

17. (as replaced on May 4, 1923)

(1) (a) The High Commissioner shall have full power and authority, without prejudice to the powers inherent in, or reserved by this Order to His Majesty, and subject always to any conditions and limitations prescribed by any such instructions as may be given to him under the Sign Manual and Signet or through a Secretary of State, to promulgate such Ordinances as may be necessary for the peace, order, and good government of Palestine, provided that no Ordinance shall be promulgated which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals; or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language.

(b) No Ordinance shall be promulgated by the High Commissioner until he has consulted the Advisory Council as constituted on the date of the commencement of this Order or such other advisory body as may after that date from time to time be constituted by him with the approval of a Secretary of State.

(c) No Ordinance shall be promulgated which shall be in any way repugnant to or inconsistent with the provisions of the Mandate and no Ordinance which concerns matters dealt with specifically by the provisions of the Mandate shall be promulgated until a draft thereof has been communicated to a Secretary of State and approved by him, with or without amendment.

(d) No Ordinance shall be promulgated unless a draft of the same shall first have been made public for one calendar month at the least before the enactment thereof, unless immediate promulgation shall, in the judgment of the High Commissioner, be indispensably necessary in the public interest.

(e) His Majesty reserves to himself the right to disallow an Ordinance promulgated by the High Commissioner within one year of the date of promulgation and to signify such disallowance through a Secretary of State. Every such disallowance shall take effect from the time when it shall be promulgated by the High Commissioner by notice in the Gazette.

(2) From and after a date to be fixed by the High Commissioner in Executive Council, by Proclamation in the Gazette, there shall be constituted a Legislative Council in and for Palestine as in this Order provided and any advisory body then existing shall be dissolved. The powers of the High Commissioner as defined and limited by Clause (1) of this Article shall continue in force until a Legislative Council as provided above shall have been duly constituted, when Articles 18 to 34 of this Order shall apply.

The Proclamations, Ordinances, Orders, Rules of Court, and other legislative acts which have been issued or done by the High Commissioner or by any Department of the Government of Palestine on or after the 1st September, 1922, shall be deemed to be and always to have been valid and of full effect and all acts done thereunder and all prohibitions contained therein shall be deemed to be valid.

18. The Legislative Council shall have full power and authority, without prejudice to the powers inherent in, or reserved by this Order to, His Majesty, and subject always to any conditions and limitations prescribed by any Instructions under the Sign Manual and Signet, to establish such Ordinances as may be necessary for the peace, order and good government of Palestine, provided that no Ordinance shall be passed which shall restrict complete freedom of conscience and the free exercise of all forms of worship, save in so far as is required for the maintenance of public order and morals; or which shall tend to discriminate in any way between the inhabitants of Palestine on the ground of race, religion or language.

No Ordinance shall be passed which shall be in any way repugnant to or inconsistent with the provisions of the Mandate.

19. The Legislative Council shall consist of 22 members in addition to the High Commissioner, of whom 10 shall be official members and 12 shall be unofficial members.

20. The official members of the Council shall be:—

The persons for the time being lawfully exercising the functions of the respective offices of:—

(a) Chief Secretary

(b) Attorney-General
(c) Treasurer
(d) Inspector-General of Police
(e) Director of Health
(f) Director of Public Works
(g) Director of Education
(h) Director of Agriculture
(i) Director of Customs
(j) Director of Commerce and Industry

Provided that if the High Commissioner is satisfied that any of the above persons is unable to attend a meeting of the Council he may summon in his place such other person holding public office in the Government of Palestine as he thinks fit, and such person shall for the purposes of that meeting be deemed to be an official member of the Council.

21. The unofficial members of the Council shall be:—

Twelve persons to be elected in accordance with such Order in Council, Ordinance or other legislative enactment as may from time to time provide for elections to the Council.

22. The High Commissioner may at any time by proclamation prorogue or dissolve the Council. The High Commissioner shall dissolve the Council at the expiration of three years from the date of the first meeting thereof.

23. (as amended May 4, 1923) The first general election of members of the Legislative Council shall be held at such time not more than six months after the publication of the Proclamation referred to in Article 17(2) of this Order as the High Commissioner shall by Proclamation appoint. Within three months after the dissolution of the Council a date shall be fixed by the High Commissioner in Executive Council by Proclamation in the Gazette for the immediate holding of a general election.

24. No Ordinance shall take effect until either the High Commissioner shall have assented thereto and shall have signed the same in token of such assent, or until the assent of His Majesty thereto has been given by Order in Council or through a Secretary of State.

25. Subject to the provisions of the following Article, the High Commissioner may, according to his discretion and subject to any

Instructions under the Sign Manual and Signet, declare that he assents to any Ordinance, or refuse his assent to the same.

26. The High Commissioner may reserve for the signification of the pleasure of His Majesty any Ordinance passed by the Legislative Council, and shall in any case so reserve any Ordinance which concerns matters dealt with specifically by the provisions of the Mandate.

An Ordinance so reserved shall take effect so soon as His Majesty has given his assent thereto either by Order in Council or through a Secretary of State, and the High Commissioner shall have signified such assent by notice in the Gazette.

27. His Majesty reserves to himself the right to disallow an Ordinance to which the High Commissioner has assented within one year of the date of the High Commissioner's assent thereto and to signify such disallowance through a Secretary of State. Every such disallowance shall take effect from the time when it shall be promulgated by the High Commissioner by notice in the Gazette.

28. No vote, resolution, or Ordinance for the appropriation of any part of the public revenue, or for the imposition of any tax or impost shall be proposed except by the High Commissioner, or by his direction.

29. The High Commissioner, or in his absence the Chief Secretary, or, in the absence of both the High Commissioner and the Chief Secretary, some Member elected by the Council shall preside at the meetings thereof.

30. The Council shall not be disqualified from the transaction of business on account of any vacancies among the Members thereof, but it shall not be competent to proceed to the despatch of business unless ten Members be present.

31. Every Member of the Legislative Council shall, before being permitted to sit or vote therein, take and subscribe the following oath before the President:—

"I, A.B., do swear that I will be faithful and loyal to the Government of Palestine. So help me God."

Provided that any person authorised to make a solemn affirmation or declaration instead of taking an Oath may make such affirmation or declaration in lieu of such Oath.

32. All questions in the Legislative Council shall be determined

by a majority of the votes of Members present, including the President, or presiding Member, who shall in addition have and exercise a casting vote in case of an equality of votes.

33. The Legislative Council in its first Session, and from time to time afterwards, as there shall be occasion, shall adopt Standing Rules and Orders, for the regulation and orderly conduct of its proceedings and the despatch of business, and for the passing, intituling and numbering of Ordinances and for the presentation of the same to the High Commissioner for his assent.

All such Rules and Orders shall be laid before the High Commissioner in Council, and being by him approved shall become binding and of force.

34. It shall be lawful for the Council by Ordinance to define the privileges, immunities, and powers to be held, enjoyed, and exercised by the Council and the members thereof.

Part IV.

Application of Certain British Statutes

35. The enactments in the First Schedule to the Foreign Jurisdiction Act, 1890, shall apply to Palestine, but subject to the provisions of this Order and to the exceptions, adaptations and modifications following, that is to say:—

(1) The High Commissioner is hereby substituted for the Governor of a Colony or British Possession and the District Court is hereby substituted for a Superior Court or Supreme Court, and for a Magistrate or Justice of the Peace of a Colony or British Possession.

(2) For the portions of the Merchant Shipping Acts, 1854 and 1867, referred to in the said Schedule, shall be substituted Part XIII of the Merchant Shipping Act, 1894.

(3) In Section 51 of the Conveyancing (Scotland) Act, 1874, and any enactment for the time being in force amending the same the District Court is substituted for a Court of Probate in a Colony.

(4) With respect to the Fugitive Offenders Act, 1881:—

(a) So much of the 4th, and 5th, sections of the said Act as relates to sending a report of the issue of a warrant, together with the information, or a copy thereof, or to the sending of a certificate of committal and report of a case, or to the information to be given by a Magistrate to a fugitive, shall be excepted, and in lieu of such information the person acting as the Magistrate shall inform the fugitive that in the British Possession or Protectorate to which he may be conveyed he has the right to apply for a writ of *habeas corpus* or other like process.

(b) So much of the 6th section of the said Act as requires the expiration of fifteen days before issue of warrant shall be excepted.

(c) The High Commissioner shall not be bound to return a fugitive offender to a British Possession unless satisfied that the proceedings to obtain his return are taken with the consent of the Governor of that Possession.

(d) For the purposes of Part II of the said Act, Palestine, Cyprus, Egypt, the Ottoman Dominions, Persia and Iraq shall be treated as one group of British Possessions.

Provided that nothing in this Article contained shall be taken to extend to Palestine the enactments mentioned in the Schedule to the Foreign Jurisdiction Act, 1913, or any of them.

36. Where under the Merchant Shipping Act, 1894, or any amending Act, anything is authorised to be done by, to, or before a British Consular officer, such thing may be done, in any place in Palestine by, to, or before such officer of the Government as the High Commissioner may appoint.

37. The Colonial Prisoners' Removal Act, 1884, shall apply to and take effect within Palestine as if it were part of His Majesty's Dominions, subject as follows:—

The High Commissioner is hereby substituted for the Governor of a British Possession.

PART V.

JUDICIARY

38. (as amended February 21, 1935) Subject to the provisions of this part of this Order and any Ordinance or rules, the civil courts hereinafter described, and any other courts or tribunals constituted by or under any of the provisions of any Ordinance, shall exercise jurisdiction in all matters and over all persons in Palestine.

39. (as amended February 21, 1935) Magistrates' Courts shall

be established in each District and Sub-District as may be prescribed from time to time by Order under the hand of the High Commissioner. These Courts shall have the jurisdiction assigned to them by the Ottoman Magistrates Law of 1913, as amended, altered or extended by any subsequent law or Ordinance or Rules for the time being in force.

40. District Courts shall be established in such Districts as may be prescribed from time to time by Order under the hand of the High Commissioner, and every such Court shall exercise jurisdiction:—

(1) As a Court of First Instance:—

(a) In all civil matters not within the jurisdiction of the Magistrates' Courts in and for that District.

(b) In all criminal matters which are not within the jurisdiction of the Court of Criminal Assize.

(2) As an Appellate Court from the said Magistrates' Courts subject to the provisions of any Ordinances or Rules.

41. There shall be a Court of Criminal Assize which shall have exclusive jurisdiction with regard to offences punishable with death and such jurisdiction with regard to other offences as may be prescribed by Ordinance.

42. The High Commissioner may by Order establish Land Courts as may be required from time to time for the hearing of such questions concerning the title to immovable property as may be prescribed.

43. There shall be established a Court to be called the Supreme Court of which the constitution shall be prescribed by Ordinance. The Supreme Court sitting as a Court of Appeal shall have jurisdiction subject to the provisions of any Ordinance to hear appeals from all judgments given by a District Court in first instance or by the Court of Criminal Assize or by a Land Court.

The Supreme Court, sitting as a High Court of Justice, shall have jurisdiction to hear and determine such matters as are not causes of trials, but petitions or applications not within the jurisdiction of any other Court and necessary to be decided for the administration of justice.

44. In civil matters when the amount or value in dispute exceeds £ E 500 an appeal shall lie from the Supreme Court to His Majesty

in Council. Every appeal shall be brought within such time and in such manner as may be prescribed by any rules of procedure made by His Majesty in Council.

45. The High Commissioner may by Order establish such separate Courts for the district of Beersheba and for such other tribal areas as he may think fit. Such Courts may apply tribal custom, so far as it is not repugnant to natural justice or morality.

46. The jurisdiction of the Civil Courts shall be exercised in conformity with the Ottoman Law in force in Palestine on 1st November, 1914, and such later Ottoman Laws as have been or may be declared to be in force by Public Notice, and such Orders in Council, Ordinances and Regulations as are in force in Palestine at the date of the commencement of this Order, or may hereafter be applied or enacted; and subject thereto, and so far as the same shall not extend or apply, shall be exercised in conformity with the substance of the common law, and the doctrines of equity in force in England, and with the powers vested in and according to the procedure and practice observed by or before Courts of Justice and Justices of the Peace in England, according to their respective jurisdictions and authorities at that date, save in so far as the said powers, procedure and practice may have been or may hereafter be modified, amended or replaced by any other provisions. Provided always that the said common law and doctrines of equity shall be in force in Palestine so far only as the circumstances of Palestine and its inhabitants and the limits of His Majesty's jurisdiction permit and subject to such qualification as local circumstances render necessary.

47. The Civil Courts shall further have jurisdiction, subject to the provisions contained in this Part of this Order, in matters of personal status as defined in Article 51 of persons in Palestine. Such jurisdiction shall be exercised in conformity with any law, Ordinances or Regulations that may hereafter be applied or enacted and subject thereto according to the personal law applicable.

Where in any civil or criminal cause brought before the Civil Court a question of personal status incidentally arises, the determination of which is necessary for the purposes of the cause, the Civil Court may determine the question, and may to that end take the opinion, by such means as may seem most convenient, of a competent jurist having knowledge of the personal law applicable.

48. When any person has been sentenced to death, the Chief Justice shall transmit to the High Commissioner a copy of the evidence. The sentence shall not be carried into effect until confirmed by the High Commissioner.

49. The Chief Justice may, with the approval of the High Commissioner, make rules for regulating the practice and procedure of the Supreme Court and of all other Civil Courts which are or may be established in Palestine.

50. No action shall be brought against the Government of Palestine or any Department thereof unless with the written consent of the High Commissioner previously obtained.

The Civil Courts shall not exercise any jurisdiction in any proceeding whatsoever over the High Commissioner or his official or other residence or his official or other property.

51. Subject to the provisions of Articles 64 to 67 inclusive jurisdiction in matters of personal status shall be exercised in accordance with the provisions of this Part by the Courts of the religious communities established and exercising jurisdiction at the date of this Order. For the purpose of these provisions matters of personal status mean suits regarding marriage or divorce, alimony, maintenance, guardianship, legitimation and adoption of minors, inhibition from dealing with property of persons who are legally incompetent, successions, wills and legacies, and the administration of the property of absent persons.

52. Moslem Religious Courts shall have exclusive jurisdiction in matters of personal status of Moslems in accordance with the provisions of the Law of Procedure of the Moslem Religious Courts of the 25th October, 1333, A.H., as amended by any Ordinance or Rules. They shall also have, subject to the provisions of any Ordinance or of the Order of the 20th December, 1921, establishing a Supreme Council for Moslem Religious Affairs, or of any Orders amending the same, exclusive jurisdiction in cases of the constitution or international administration of a Wakf constituted for the benefit of Moslems before a Moslem Religious Court.

There shall be an appeal from the Court of the Qadi to the Moslem Religious Court of Appeal, whose decision shall be final.

53. The Rabbinical Courts of the Jewish Community shall have:—

(1) Exclusive jurisdiction in matters of marriage and divorce, alimony and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(2) Jurisdiction in any other matter of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(3) Exclusive jurisdiction over any case as to the constitution or internal administration of a Wakf or religious endowment constituted before the Rabbinical Court according to Jewish Law.

54. The Courts of the several Christian communities shall have:—

(1) Exclusive jurisdiction in matters of marriage and divorce, alimony, and confirmation of wills of members of their community other than foreigners as defined in Article 59.

(2) Jurisdiction in any other matters of personal status of such persons, where all the parties to the action consent to their jurisdiction.

(3) Exclusive jurisdiction over any case concerning the constitution or internal administration of a Wakf or religious endowment constituted before the Religious Court according to the religious law of the community, if such exists.

55. Where any action of personal status involves persons of different religious communities, application may be made by any party to the Chief Justice, who shall, with the assistance, if he thinks fit, of assessors from the communities concerned, decide which Court shall have jurisdiction. Whenever a question arises as to whether or not a case is one of personal status within the exclusive jurisdiction of a Religious Court, the matter shall be referred to a Special Tribunal of which the constitution shall be prescribed by Ordinance.

56. The judgments of the Religious Courts shall be executed by the process and offices of the Civil Courts.

57. Subject to the provisions of any Ordinance or Order establishing a Supreme Council for Moslem Religious Affairs, the constitution and jurisdiction of Religious Courts established at the date of this Order may be varied by Ordinance or Order of the High Commissioner.

58. The civil Courts shall exercise jurisdiction over foreigners, subject to the following provisions:—

59. (as amended February 21, 1935) For the purpose of this part of the Order, the expression "foreigner" means any person who is not a Palestinian citizen.

60. to 63. (deleted February 21, 1935)

64. (1) Matters of personal status affecting foreigners other than Moslems shall be decided by the District Courts, which shall apply the personal law of the parties concerned in accordance with such regulations as may be made by the High Commissioner, provided always that the Courts shall have no jurisdiction to pronounce a decree of dissolution of marriage until an Ordinance is passed conferring such jurisdiction.

(2) The personal law shall be the law of the nationality of the foreigner concerned unless that law imports the law of his domicile, in which case the latter shall be applied.

(3) The District Court, in trying matters of personal status affecting foreigners, shall be constituted by the British President sitting alone. In trying matters of personal status affecting foreigners other than British subjects, the President may invite the Consul or a representative of the Consulate of the foreigner concerned to sit as an assessor for the purpose of advising upon the personal law concerned. In case of an appeal from a judgment in such a case the Consul or representative of the Consulate of the foreigner concerned shall be entitled to sit as an assessor in the Court of Appeal.

65. (as amended February 21, 1935) Nothing in the preceding Article shall be construed to prevent foreigners from consenting to such matters being tried by the Courts of the Religious Communities having jurisdiction in like matters affecting Palestinian citizens.

The Courts of the Religious Communities other than the Moslem Religious Courts shall not, however, have power to grant a decree of dissolution of marriage to a foreign subject.

For the purposes of this Article, decree of dissolution of marriage includes a decree of divorce and a decree of nullity.

66. (deleted February 21, 1935)

67. Notwithstanding anything in this Part of this Order, a Consul in Palestine may execute such non-contentious measures in relation to the personal status of nationals of his State as the High

Commissioner, with the approval of the Secretary of State, may from time to time prescribe by regulation.

PART VI.

REMOVAL AND DEPORTATION

68. Where an offender convicted before any Court is sentenced to imprisonment, and the High Commissioner, proceeding under Section 7 of the Foreign Jurisdiction Act, 1890, authority in that behalf being hereby given to him, considers it expedient that the sentence should be carried into effect outside of Palestine, the place shall be a place in some part of His Majesty's Dominions out of the United Kingdom, the Government whereof consent that offenders may be sent thither under this Article.

69. (1) Where it is shown by evidence on oath, to the satisfaction of the High Commissioner, that any person is conducting himself so as to be dangerous to peace and good order in Palestine, or is endeavouring to excite enmity between the people of Palestine and the Mandatory, or is intriguing against the authority of the Mandatory in Palestine, the High Commissioner may, if he thinks fit, by Order under his hand and official seal order that person to be deported from Palestine to such place as the High Commissioner may direct.

(2) The place shall be a place in some part (if any) of His Majesty's Dominions to which the person belongs, or the Government of which consents to the reception of persons deported under this Order, or to some place under the protection of His Majesty or in the country out of His Majesty's Dominions to which that person belongs.

70. An appeal shall not lie against an Order of deportation made under this Order.

71. (1) If any person deported under this Order returns to Palestine without the permission in writing of the High Commissioner (which permission the High Commissioner may give), he shall be deemed guilty of an offence, and liable on conviction to imprisonment for any period not exceeding three months with or without a fine not exceeding £ E. 50; and he shall also be liable to be again deported forthwith.

(2) The High Commissioner, by Order under his hand and official seal, may vary or rescind any Order of deportation under this Order.

72. (1) Where, under this Order, a person is to be removed or deported from Palestine he shall by warrant of the High Commissioner under his hand and seal, be detained, if necessary, in custody or in prison until a fit opportunity for his removal or deportation occurs, and then, if he is to be deported beyond seas, be put on board one of His Majesty's vessels of war, or, if none be available, then on board some other British or other fit vessel.

(2) The warrant of the High Commissioner shall be sufficient authority to the person to whom it is directed or delivered for execution, and to the commander or master of the vessel to receive and detain the person therein named, in the manner therein prescribed, and to remove and carry him to the place therein named, according to the warrant.

Part VII.

Validation of Ordinances, and Indemnification

73. The Proclamations, Ordinances, Orders, Rules of Court and other legislative acts made, issued or done by the Commander-in-Chief of the Egyptian Expeditionary Force, or by the Chief Administrator of Occupied Enemy Territory or by Military Governors in Palestine or any other officer of the Administration between October 1st, 1917, and June 30th, 1920, other than those set forth in the Schedule attached to this Order, shall be deemed to be and always to have been valid and of full effect both during the Military Occupation and after the termination thereof until repealed or superseded by the legislature established under this Order, notwithstanding that any such legislative act may have repealed or been inconsistent with the Law previously in force in Palestine; provided that in the future application of all such Proclamations, Ordinances, Orders, Rules of Court and legislative acts the Government of Palestine shall be read for Occupied Enemy Territory Administration, High Commissioner for Chief Administrator, Governor of a District for Military Governor, and a Civil Court of competent jurisdiction for a Military Court or Military Magistrate.

The Proclamations, Ordinances, Orders and Public Notices of the Military Administration which are set forth in the Schedule hereto are hereby cancelled and repealed, provided that any acts done thereunder before the passing of this Order shall be deemed to be and always to have been valid.

74. The Proclamations, Ordinances, Orders, Rules of Court and other legislative acts which have been issued or done by the High Commissioner or by any Department of the Government of Palestine on or after July 1st, 1920, shall be deemed to be and always to have been valid and of full effect and all acts done thereunder and all prohibitions contained therein shall be deemed to be valid.

75. All actions, prosecutions and legal proceedings whatsoever, whether civil or criminal, which might be brought or instituted in any of the Courts of Palestine against the High Commissioner, or the officer for the time being commanding the forces of His Majesty, or any public officer of Palestine, or against any person acting under them, or under their instructions, or under the instructions of any of them respectively in any command or capacity military or civil, for, or on account of, or in respect of, any acts, matters and things whatsoever, in good faith advised, commanded, ordered, directed or done as necessary for the suppression of hostilities, or the establishment and maintenance of good order and government in Palestine, or for the public safety and welfare of Palestine, or for the execution of any regulations issued under Martial Law between the date of the British occupation and the date of the commencement of this Order, shall be discharged and become and be null and void.

Every such person as aforesaid by whom any such act, matter or thing shall have been advised, commanded, ordered, directed, or done for any of the purposes aforesaid shall be freed, acquitted, discharged, released and indemnified against all and every person whomsoever in respect thereof.

76. Every such act, matter or thing referred to in the preceding Article shall be presumed to have been advised, commanded, ordered, directed or done as the case may be, in good faith until the contrary shall be proved by the party complaining.

77. Any sentence passed, judgment given or order made by any Court Martial or Military Court constituted and convened by proper authority and under Martial Law, or pronounced by officers au-

thorised to dispose of offences summarily under Martial Law, or passed, given or made by any Court established by the authority administering any part of Palestine in the occupation of His Majesty's Forces for the administration of justice within such territory, whether passed, given or made during such occupation or after such occupation determined prior to the commencement of this Order shall be deemed to be and always to have been valid, and to be and always to have been within the jurisdiction of the Court; and the sentences of all persons tried by any such Court shall be deemed to be sentences passed by a duly and legally constituted Court of Palestine.

78. All persons in Palestine who have been deported without the limits thereof under and by virtue of any of the foregoing sentences referred to in the last Article, or by virtue of any other order shall be deemed to have been and to be legally deported without the limits of Palestine. Any person who, having been deported as aforesaid, returns to Palestine without the permission in writing of the High Commissioner shall be guilty of an offence and shall on conviction be liable to imprisonment for a term which may extend to two years and shall also be liable to fine and shall further be liable to be again deported.

79. All persons who have been in good faith and under proper authority during the existence of Martial Law arrested or detained, and all persons who have been similarly committed to gaol, and are there detained to await their trial, shall be deemed to have been lawfully arrested, committed to, and detained in gaol.

80. In all cases where any doubt arises whether any act, matter or thing alleged to have been commanded, ordered, directed or done under proper authority was done under such authority, it shall be lawful for the Chief Secretary for the time being to declare such act, matter or thing to have been commanded, ordered, directed, or done under such authority, and such declaration, by any writing under the hand of the Chief Secretary shall in all cases be conclusive evidence as to such authority.

Part VIII.

General

81. All His Majesty's officers, Civil and Military, and all other inhabitants of Palestine are hereby required and commanded to be obedient, aiding, and assisting unto the High Commissioner and to such person or persons, as may from time to time, under the provisions of this Order, administer the Government of Palestine.

82. All Ordinances, official notices and official forms of the Government and all official notices of local authorities and municipalities in areas to be prescribed by order of the High Commissioner, shall be published in English, Arabic and Hebrew. The three languages may be used in debates and discussions in the Legislative Council, and, subject to any regulations to be made from time to time, in the Government offices and the Law Courts.

83. All persons in Palestine shall enjoy full liberty of conscience, and the free exercise of their forms of worship subject only to the maintenance of public order and morals. Each religious community recognised by the Government shall enjoy autonomy for the internal affairs of the community subject to the provisions of any Ordinance or Order issued by the High Commissioner.

84. (1) (as amended May 4, 1923) From and after the constitution of the Legislative Council hereinbefore provided for the High Commissioner shall confer upon all matters relating to the regulation of immigration with a Committee consisting of not less than one-half of the unofficial members of the Legislative Council, and provision shall be made by Order in Council for investing the said Committee with all such powers and authorities and otherwise for the constitution and conduct of the business of the said Committee, as may be necessary to carry this Article into effect.

(2) In the event of any difference of opinion between the High Commissioner and the said Committee upon any such matter as aforesaid, the High Commissioner shall make a full report on the subject to a Secretary of State, whose decision thereon shall be final.

85. (as amended May 4, 1923) If any religious community or considerable section of the population in Palestine complains that the terms of the Mandate are not being fulfilled by the Government of Palestine, it shall be entitled to present a Memorandum through

a member of the Advisory Council or other advisory body constituted under Article 17 (1) (b) of this Order of the Legislative Council as the case may be to the High Commissioner. Any Memorandum so submitted shall be dealt with in such manner as may be prescribed by His Majesty in conformity with the procedure recommended by the Council of the League of Nations.

86. This Order in Council shall not apply to such parts of the territory comprised in Palestine to the East of the Jordan and the Dead Sea as shall be defined by order of the High Commissioner. Subject to the provisions of Article 25 of the Mandate, the High Commissioner may make such provision for the administration of any territories so defined as aforesaid as with the approval of the Secretary of State may be prescribed.

87. The High Commissioner may by Proclamation in the Gazette at any time within one year from the date of the commencement of this Order, and provided he has previously obtained the approval of the Secretary of State, vary, annul or add to any of the provisions of this Order in order to carry out the purposes of the same, and may provide for any other matters necessary in order to carry into effect the provisions thereof.

88. His Majesty, His heirs and successors in Council, may at any time revoke, alter or amend this Order.

89. There shall be reserved to His Majesty, His heirs and successors, the right, with the advice of His or Their Privy Council, from time to time to make all such laws or ordinances as may appear to Him or Them necessary for the peace, order and good government of Palestine in accordance with the Mandate conferred on him.

90. This Order shall commence and have effect as follows:—

(1) As to the making of any warrant or appointment, and the issue of instructions, and as to any other provisions necessary for bringing this Order into effect, immediately from and after the date of this Order.

(2) As to all other matters and provisions comprised and contained in this Order, immediately after this Order has been published and proclaimed within Palestine, and the date of such publication shall be deemed to be the date of the commencement of this Order.[1]

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[1] This Order came into force September 1, 1922, on publication in the Official Gazette of that date.

THE PALESTINE LEGISLATIVE COUNCIL ELECTION ORDER

1922

At the Court at Buckingham Palace, the 10th day of August, 1922[1]

Whereas The Palestine Order in Council, 1922, provides for the constitution of a Legislative Council in Palestine, and for the election of part of the members of the Council, and it is necessary to prescribe the system of election of such members;

And whereas by treaty, capitulation, grant, usage, sufferance and other lawful means, His Majesty has power and jurisdiction within Palestine:

Now therefore His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, is pleased by and with the advice of his Privy Council to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Palestine Legislative Council Election Order, 1922.

2. In this Order, unless the contrary intention appears, "Secretary of State" means one of His Majesty's Principal Secretaries of State.

"Register of voters" or "register" means the register prepared in accordance with this Order of the persons entitled to vote for the election of a member of the Legislative Council.

"Member" means a member of the Legislative Council.

"District" means one of the administrative divisions into which Palestine may be divided by the High Commissioner.

For the purposes of this Order and pending the introduction of an Order in Council regulating Palestinian citizenship, the following persons shall be deemed to be Palestinian citizens:—

(a) Turkish subjects habitually resident in the territory of Palestine at the date of commencement of this Order.

(b) All persons of other than Turkish nationality habitually resident in the territory of Palestine at the said date, who shall within two calendar months of the said date make application for

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[1] This law has not become effective. Meanwhile the Executive Council (Art. 10 of Palestine Order in Council, 1922; see pp. 220-221) has continued to function.—Ed.

Palestinian citizenship in such form and before such officer as may be prescribed by the High Commissioner.

3. The election of members shall be conducted by primary and secondary elections. Primary election shall consist of the election by the voters as hereinafter defined of secondary electors and secondary election shall consist of the election of members by colleges of secondary electors.

4. Every male Palestinian citizen over 25 years of age shall be entitled to vote at the primary elections unless he be a person who:—

(a) Has lost his civil rights.

(b) Claims to be under foreign protection.

(c) Has been declared to be a bankrupt, and has not been discharged.

(d) Has been placed under interdiction by a competent Court, and has not been released.

(e) Has been sentenced to imprisonment for more than a year, and has not received a free pardon for the crime for which he has been sentenced.

5. For the purpose of primary elections every District shall be divided into voting areas, and the voters within such areas shall be entitled to elect a number of secondary electors to be determined in the manner following. The Governor of the District in consultation with the President of any Municipal Council or Local Council in the District and the Mukhtars of the villages shall define such voting areas, having regard, as far as possible, to the religious community to which the electors belong, and shall determine the number of secondary electors to be elected in each voting area on the basis that every 200 primary electors shall elect one secondary elector; provided that if any village or quarter has between 150 and 200 primary electors it shall be entitled to vote for one secondary elector; if it has between 350 and 400 primary electors it shall be entitled to vote for two secondary electors, and the same principle will be maintained where the number of primary electors exceeds 400.

6. The limits of each voting area and the number of secondary electors for that area shall be published in the District.

7. The High Commissioner shall appoint for each District one or more registering officers who shall prepare a register of voters for the primary elections; and a revising officer who shall have the

functions hereinafter prescribed. The registering officer may summon the President of any Municipal Council or Local Council in the District, the Mukhtars of the villages and quarters of towns, and the Heads of Religious Communities to assist in the preparation of the register.

The register shall be arranged according to the villages or quarters in which the voters reside, and the names of the voters in each village or quarter shall be numbered consecutively and arranged alphabetically. The list shall show:—

(a) The name of each voter in full;
(b) The trade or occupation of the voter;
(c) His place of abode.

The High Commissioner may by Proclamation issue Regulations regarding the preparation of the register in any other respect, and for its publication in the Districts, and may from time to time make provision for a revision of the register.

No person, for the purposes of the primary or secondary elections, shall be entitled to exercise more than one vote, and no elector at the primary elections shall exercise a vote in respect of more than one voting area.

8. (1) As soon as the register for each District or Sub-district is completed the registering officer shall forward it to the revising officer, who shall not later than 14 days from the receipt of the register publish it by causing to be posted in some conspicuous place in every village and quarter within the District a copy of those parts of the register which contain the names of persons resident in such village and quarter, together with a notice specifying the time and place appointed for the revision and final settlement of the register for the District, and calling on all persons who are entitled to vote and whose names are not included in the register, and on all persons who object to the insertion of the name of any voter, to attend and make such claim or objection at the time and place appointed.

(2) Every such extract from the register and every such notice shall remain posted for not less than 14 days before the time appointed for the revision of the register.

9. (1) The revising officer shall revise the register of voters, and there shall be an appeal from his decision to the District Court.

(2) All persons making claims or objections as well as all

persons whose names are objected to may appear in person or by an agent or advocate before the revising officer, and may give and produce evidence with respect to any such claim or objection.

(3) The registering officer for any village or quarter shall be present at the revision, and may likewise give and produce evidence.

(4) The revised list of voters for every District shall be kept at the office of the Governor of the District, and shall be open to inspection at all reasonable time.

10. Any person may be elected as a secondary elector provided he is on the register of primary electors for the District.

11. The High Commissioner may by Proclamation provide for the appointment and duties of returning officers at the primary elections, and for determining the time and place for holding elections, and the manner in which elections shall be conducted and the poll taken when required, and the manner in which the votes shall be given and the result ascertained, and for all other matters necessary to the orderly and impartial conduct of elections.

12. The secondary electors shall be formed into twelve electoral colleges according to the religious community to which they belong; that is to say, there shall be separate electoral colleges for Moslems, Christians and Jews. Secondary electors who do not belong to the Moslem, Christian or Jewish community shall opt for any electoral college in their area. The number of colleges to be allotted to each religious community shall be determined by the High Commissioner, having regard to the numbers of secondary electors belonging to the several communities, provided that there shall not be less than two Christian and two Jewish colleges. Each electoral college shall elect one member. The High Commissioner shall by Proclamation assign the secondary electors to the several colleges, having regard to the areas which they represent.

13. The High Commissioner shall, by notice in the Gazette, appoint a day on which the electoral colleges shall meet for the purpose of electing members of the Legislative Council.

The election shall be conducted in such manner as may be prescribed by Proclamation of the High Commissioner.

14. No person shall be eligible as a member who has not been nominated by two duly qualified secondary electors belonging to the religious community, for which the candidate is nominated, as pro-

poser and seconder, and by eight other duly qualified secondary electors of that community as consenting to the nomination. The nomination shall be in writing and shall be delivered at the time appointed for the election to the returning officer by the candidate himself or by his proposer or seconder.

15. Every male Palestinian citizen who has completed his 30th year shall be eligible for election as a member unless he

(a) claims to be under foreign protection;

(b) has been declared a bankrupt, and has not been discharged;

(c) has been placed under interdiction, and has not been released;

(d) has lost his civil rights;

(e) has been sentenced to imprisonment for more than one year, and has not received a free pardon for the crime for which he was sentenced;

(f) holds any office of profit under the Palestine Government;

(g) has any direct or indirect pecuniary interest in any agreement with the Public Service of Palestine otherwise than as a member, and in common with other members of an incorporated company consisting of more than twenty-five persons.

16. Any person who is guilty of any act in connection with the primary or secondary election of a member of the Legislative Council, which is a corrupt and illegal practice as defined by the law of England relative to Corrupt and Illegal Practices at Parliamentary Elections shall be liable on conviction by the competent Court to the penalties and disabilities provided by that law, so far as the circumstances of Palestine and of its inhabitants permit.

17. (1) Any Elected Member of the Legislative Council may resign his seat by writing under his hand addressed to the High Commissioner, and upon the receipt of such resignation the seat of such Member shall become vacant:

Provided that no Member shall, without the permission of the Legislative Council, resign his seat while any proceedings are pending in respect of his election if it is alleged in those proceedings that any corrupt or illegal practices took place at that election, or while any proceedings are contemplated or pending in respect of his conduct in or as a Member of the Council.

(2) The electoral college which elected the Member resigning shall be convened by notice in the Gazette, and shall elect a member in his place.

18. If any Member of the Legislative Council—

(a) Shall be absent, except on the ground of illness, from the sittings of the Legislative Council, for a period of three calendar months during any session without the leave of the Council; or

(b) Shall take any oath or make any declaration or acknowledgment of allegiance, obedience or adherence to any foreign State or Power; or

(c) Shall do, concur in or adopt any act whereby he may become the subject or citizen of any such State or Power; or

(d) Shall be or become subject to any of the disqualifications mentioned in Article 15,

the High Commissioner shall declare his seat to be vacant, and shall direct an election to be held to fill the vacancy in the manner prescribed in the preceding Article. Provided that if the Member is absent from Palestine with the consent of the Council for a period not exceeding six months the High Commissioner may nominate any properly qualified person to act as Member during his absence.

19. The High Commissioner may, by Proclamation in the Gazette, at any time within one year from the date of the commencement of this Order, and provided that he has obtained the approval of the Secretary of State, vary, annul or add to any of the provisions of this Order in order to carry out the purposes of the same, and may provide for any other matter necessary in order to carry into effect the provisions thereof.

20. In the Sub-District of Beersheba, and in any other area which may by Proclamation be declared to be a tribal area, the High Commissioner may make such other arrangements for the conduct of primary elections as he may think fit. Provided that the number of secondary electors for any such areas shall be the same as if the elections had been carried out under the provisions of this Order.

21. This Order shall come into operation on a day to be fixed by the High Commissioner by Proclamation in the Gazette, and shall regulate the first election of members of the Legislative Council, and thereafter it shall be lawful for the said Council to pass any Ordinance or Ordinances amending or substituted for any of the provisions of this Order, but subject to the provisions of any such Ordinance or Ordinances this Order shall continue in force.

Saudi Arabia

PAGES

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British and Foreign State Papers, vol. 124 (1926, Part II), H.M. Stationery Office, London, pp. 880-888.

2. Royal Decree Constituting Nejd a Kingdom and Uniting It with the Hejaz—January 29, 1927 258

British and Foreign State Papers, vol. 130 (1929, Part I), H.M. Stationery Office, London, p. 789.

3. Royal Decree, No. 2716. Change of Name of the Kingdom to that of the Kingdom of Saudi Arabia—September 18, 1932 259-260

Document supplied by the Ministry of Foreign Affairs, Mecca, Saudi Arabia. Translated from the Arabic by H. I. Katibah, Institute of Arab American Affairs, New York, N. Y.

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4. Treaty of Arab Brotherhood between the Kingdom of Iraq and the Kingdom of Saudi Arabia—April 6, 1936 155-160

See IRAQ.

Documents 1 and 2 reproduced by permission of the Controller of His Britannic Majesty's Stationery Office. (The notes to Document 1 regarding the subsequent legislation modifying the Constitution are based on texts published in Mecca in the periodical *Umm-al-Qura* No. 121 of April 8, 1927; No. 133 of July 1, 1927; No. 300 of October 5, 1930; and No. 315 of December 19, 1930; *Saut-al-Hijaz* No. 20 of August 22, 1932. See also the chapter "The Constitutional Amendments," in Fuad Hamza, *The Country of Saudi Arabia*, Mecca, 1937 [in Arabic].—Ed.)

CONSTITUTION OF THE KINGDOM OF THE HEJAZ[1]

AUGUST 29, 1926

PART I.

THE KINGDOM, CONSTITUTION, CAPITAL AND OFFICIAL LANGUAGE

(Translation)

Art. 1. The Kingdom of the Hejaz, with its known boundaries, cannot be divided or separated by any means.

Art. 2. The Arabian Kingdom of the Hejaz is a royal, legislative, Moslem and independent country in all its internal and foreign affairs, both at home and abroad.

Art. 3. Mecca is the capital of the Hejaz Kingdom.

Art. 4.—The Arabic language is the official language of the Kingdom.

PART II.

THE ADMINISTRATION OF THE KINGDOM, SENTENCES, AGENT-GENERAL AND RESPONSIBILITIES OF THE ADMINISTRATION

Art. 5. The entire administration of the Kingdom of the Hejaz shall be in the hands of His Majesty King Abd-el-Aziz I, Ibn Abd-el-Rahman Al Faisal Al Saud. His Majesty is bound by the Sharia laws.

Art. 6. Sentences in the Kingdom of the Hejaz shall be given according to the Koran and the Sunnat of the Prophet.

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[1] This Constitution—a more exact translation would be "Organic Instructions"—is now referred to as the Constitution of Saudi Arabia by Hejazi authorities. Many of its provisions are inoperative; others have been modified in a greater or less degree. A new constitution for the whole of Saudi Arabia has been expected since the Decree of September 18, 1932, and according to the latest information may now be expected in the near future. Parts I and II of the Constitution and the Decree of September 18, 1932, reproduced below, are the provisions of prime importance.—ED.

Art. 7. His Majesty on his part shall employ an Agent-General and as many directors and chiefs as he deems necessary to take charge of the Administration of the Hejaz.

Art. 8. As the Agent-General is the final resort for all the departments of the Kingdom and its different sections, every head of a department shall be held responsible before him for the proper administration of everything in connection with his office. The Agent-General is in turn responsible to His Majesty the King.

Part III.

The Departments of the Kingdom of the Hejaz

Art. 9. The departments of the Kingdom of the Hejaz shall be divided into six fundamental departments, thus:—

(1) Sharia Affairs.
(2) Internal affairs.
(3) Foreign Affairs.
(4) Financial Affairs.
(5) Public Education.
(6) Military Affairs.

(1) SHARIA AFFAIRS

Art. 10. Sharia Affairs include everything in connection with the Sharia court, the two holy sanctuaries, wakfs, mosques and all religious establishments.

(2) INTERNAL AFFAIRS

Art. 11. Internal Affairs include everything in connection with public security, telegraphs, posts, public health, municipalities, public works, commerce and industry, agriculture and public establishments. These organisations shall be directly managed by the Agent-General's office.

Art. 12. As the Agent-General is in charge of the different sections of internal affairs, all heads of public security, telegraphs, posts and public health should carry out their duties within the limits of the rules and regulations issued to them by the Agent-General.

Art. 13. Directors of municipalities shall comply with the orders and rules which will be promulgated in connection with the municipalities and their organisations. The municipality of the capital shall be attached to the Department of Internal Affairs. The other municipalities will be managed by the senior administrative official in the township concerned.

Art. 14. The Pilgrimage Committee shall comprise all the chiefs of departments dealing with the pilgrimage and a number of qualified notables who will be nominated by His Majesty the King, under the direction of the Agent-General.[1]

Art. 15. The Pilgrimage Committee is fully authorised to examine everything in connection with the pilgrimage and to carry on every form of investigation which they deem necessary in connection with the pilgrimage.

Art. 16. All regulations made by the Pilgrimage Committee should be enforced by the Agent-General after they have been sanctioned by His Majesty the King.

(3) FOREIGN AFFAIRS[2]

Art. 17. The Department of Foreign Affairs is a department which shall deal with the foreign policy of the country and carry it out within the limits of its powers. It shall be divided into four sections: political, administrative, legal and consular.

Art. 18. The Directorship of Foreign Affairs shall be assigned by His Majesty the King to a very competent and highly qualified person.

Art. 19. The Department of Foreign Affairs shall be directly connected with the royal court, and shall carry out the orders of the Agent-General in connection with administrative and consular sections only.

(4) FINANCIAL AFFAIRS[3]

Art. 20. The Department of Financial Affairs is the organisation dealing with the various revenues of the Kingdom and its general expenditure. Its sub-divisions shall be as follows:—

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[1] Modified October 5, 1930; a new Pilgrimage Committee was created.—Ed.

[2] Modified December 19, 1930, when the Directorate of Foreign Affairs was raised to the rank of a Ministry. The Viceroy, a Royal personage, the King's son, combines in his own person the offices of President of the Council, Minister of Foreign Affairs and Minister of the Interior. He has the title of "Wazir," corresponding according to established Turkish usage to the title of "Minister." The actual and active administrative head of the Ministry of Foreign Affairs has been given the title of "Wakîl" (which may be translated "Deputy Minister").—Ed.

[3] Modified by a special regulation of September 21, 1928, establishing a Directorate-General of Finance, in Mecca; modified again August 22, 1932, when the

(a) Financial section.

(b) Financial offices in the dependencies.

(c) Accountancy offices in those official departments which deal with the revenues.

(d) Customs Department.

Art. 21. The Financial Department with its different branches mentioned above shall be attached to the office of the Agent-General.

Art. 22. All financial officials are responsible, according to their grade, for the proper control of financial affairs.

(5) PUBLIC EDUCATION

Art. 23. Public education comprises the diffusion of science, education and the arts, and the opening of libraries, schools and religious institutes, great care and attention being taken to act in accordance with the foundations of religion in all the Kingdom of the Hejaz.

Art. 24. The Directorate of Public Education should be attached to the office of the Agent-General.

Art. 25. A law for public education shall be decreed and shall be brought into force gradually. Elementary education shall be free of cost throughout the Kingdom of the Hejaz.

(6) MILITARY AFFAIRS

Art. 26. Military Affairs comprise everything which demonstrates the strength and the influence of the Government at home and abroad.

Art. 27. His Majesty the King will deal with everything concerning military affairs.

PART IV.

ASSEMBLIES: THE LEGISLATIVE ASSEMBLY, THE COUNCIL OF MEDINA, THE COUNCIL OF JEDDA, DISTRICT COUNCILS, TRIBAL AND VILLAGE COUNCILS[1]

LEGISLATIVE ASSEMBLY

Art. 28. A council shall be organised in the capital under the name of the "Legislative Assembly." This should consist of the

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Department was given the status of a full Ministry and the new Minister was described as Minister (Wazir) of Finance for the Hejaz and Nejd and its Dependencies. The Minister (Wazir) of Finance was given a place on the Council and has authority in the Nejd and its Dependencies as well as in the Hejaz, an effort toward unity in budgetary matters.—ED.

[1] A regulation published in January, 1932, established a Council of Ministers

Agent-General, his advisers and 6 notables. The latter must be able and competent persons, and shall be nominated by His Majesty the King.

Art. 29. The Legislative Assembly shall meet once every week, or more often if need be, under the presidency of the Agent-General or one of his advisers, in order to examine everything submitted to them by the Agent-General and to discuss and go into each question carefully. Decisions will be taken according to the majority of votes given.

Art. 30. Heads of departments may attend the meetings of the Legislative Assembly when called upon by the Agent-General to do so, and whenever anything concerning their departments is being discussed, if their presence is considered necessary.

Art. 31. All decisions made by the Legislative Assembly should be put into effect after they have been passed to His Majesty the King through the Agent-General and after their sanction by His Majesty.

COUNCILS OF JEDDA AND MEDINA

Art. 32. A committee shall be elected in Jedda and Medina respectively, and shall be called the "Administrative Council." This council shall consist of the qaimaqam, his assistant, the chief officials and 4 notables, the latter of whom will be chosen and nominated by His Majesty the King.

Art. 33. Each of these two councils shall meet once a week, or more often if necessary, under the presidency of the qaimaqam or his assistant, to examine affairs and matters concerning each council respectively, and to reach decisions thereon according to the majority of votes given.

Art. 34. In accordance with article 31 of these regulations, all

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having collectively a responsibility to the King for the general administration of the State and each one separately responsible for the conduct of his own Ministry. Articles 28-31 were superseded by new regulations for a Legislative Assembly recommended by the Committee of Inspection and Improvement (see Part VI with footnote). These regulations in turn were superseded by a Royal Decree of July 13, 1928, with respect to the organisation of the Legislative Assembly of Hejaz-Nejd (see the translation of this Decree in *British and Foreign State Papers*, vol. 130 [1929, Part I], pp. 790-791). Apparently the provisions of this Decree proved unsatisfactory, and for a time the original provisions of the Constitution again came into force. Section IV is now inoperative, but the exact nature of the latest modifications has not been ascertained—ED.

decisions made by the two councils above mentioned shall be passed to the Agent-General, who will in turn pass them to His Majesty the King for sanction. Once they are sanctioned by His Majesty the King they must be put into effect.

Art. 35. All decisions and laws after being sanctioned by His Majesty the King and registered in His Majesty's high offices shall be passed to the Agent-General, who will in turn put them into effect and undertake their circulation and publication throughout all districts and the different departments.

Art. 36. As regards the notables chosen to sit in the Legislative Assembly according to article 28, and those chosen for the Councils of Jedda and Medina, according to article 32, their tenure of office will expire after 1 year's service, after which other members will be elected.

Art. 37. Previous members are eligible for re-election.

DISTRICT COUNCILS

Art. 38. A council shall be elected in every district under the presidency of the local chief. These councils will be composed of the assistant to the chief, the chief officials and certain notables, and will meet once a week or more frequently.

Art. 39. The function of the councils mentioned in the preceding article is to investigate and discuss any notes and official matters transmitted to the said council by sheikhs of the districts, and to reach decisions regarding the same.

Art. 40. Decisions made by district councils shall be transmitted to the qaimaqam of the province, who in turn will pass them to the Agent-General. The latter, after making his remarks upon them, will submit them to the King for sanction. Once they are sanctioned by the King they will be put into effect.

TRIBAL AND VILLAGE COUNCILS

Art. 41. In every village and in each important tribe there shall be a council under the presidency of the sheikh, consisting of his legal adviser and two of the notables, to look into the state of affairs and the conditions of each village or tribe in accordance with the new regulations for the organisation of provinces, districts, villages and tribes.

Art. 42. Village and tribal councils shall be held responsible before the higher authorities for everything within their respective jurisdictions, in accordance with the preceding article.

PART V.

DEPARTMENT OF ACCOUNTS[1]

Art. 43. The Department of Accounts shall be located in the capital and shall consist of a president and 3 members who will be nominated by His Majesty the King. They will be chosen from among competent persons who are expert in accounts and financial matters, and will be attached to the office of the Agent-General.

Art. 44. The primary function of the Department of Accounts is to inspect all the financial resources of the Kingdom and to control the general expenditure, according to the general budget regulations.

Art. 45. No sum whatsoever shall be paid from the State Treasury before it has been approved by the Department of Accounts, as will be stated in the rules of its organisation, with the exception of sums the payment of which may be ordered by His Majesty the King.

PART VI.

INSPECTORATE-GENERAL[2]

Art. 46. The Inspectorate-General is responsible for the inspection, supervision and control of all Government departments and all official transactions, in order to ensure the proper conduct of affairs and their being kept in good order.

Art. 47. The Inspectorate-General shall be entrusted by His Majesty the King to a person of experience and with the proper qualifications to take charge of its duties.

Art. 48. The Inspector-General shall be attached to his Majesty the King. He may make an inspection of the districts when necessary, and may employ an inspector for each district if and when necessary.

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[1] Early in 1927 a Decree was issued for the creation of a Bureau of Accounting and a Chief for the Bureau named. He remained in office for only a few days, and no more was said of the project (Fuad Hamza, *The Country of Saudi Arabia*, Mecca, 1937, pp. 81-83). Apparently Section V is not in force.—ED.

[2] This Part has been superseded and the office of Inspector-General abolished. In its place the "Committee of Inspection and Improvement" was created on July 1, 1927.—ED.

Art. 49. The Inspector-General or District Inspectors have the right to inspect all Government departments, to investigate and control the state of affairs in each at any time, to stop any transaction which may be contrary to the rules and regulations, and to suspend temporarily any official guilty of any such transaction or of having caused it to take place, to ask for the trial of such an official before the courts, and to complete the enquiries in connection therewith.

Art. 50. The Inspector-General has the right to ask for the replacement or the dismissal of any official who is proved to be incompetent and unfit for carrying out the functions entrusted to him. He may do so by approaching the authorities who are concerned with the engagement and dismissal of officials.

Art. 51. The Inspector-General shall submit his inspection reports to His Majesty the King.

Art. 52. District Inspectors shall submit their inspection reports to the Inspector-General, who in turn will submit the same to His Majesty the King.

Art. 53. The District Inspectors shall submit a monthly report on the state of affairs in their respective districts to the Inspector-General, who, after making his observations on each, will submit it to His Majesty the King.

Art. 54. All heads of departments shall give every assistance and all facilities to the Inspector-General or the District-Inspectors, and shall also comply with the orders and instructions given by the Inspectors within their jurisdiction, in accordance with the provisions of the rules and regulations.

Art. 55. Any official not complying with the preceding article, whose failure to comply with it is proved, will be severely punished, without regard to his position or grade.

PART VII.

EMPLOYEES

Art. 56. All members of councils and all Government employees should possess the following qualifications:—

(1) They should be subjects of His Majesty the King.

(2) They should be properly qualified and competent.

(3) They should be of good character and address.

(4) They should not have forfeited their legal Sharia rights.

Art. 57. Persons who are not His Majesty's subjects, and whose employment is considered necessary, may be engaged on contract for limited periods and under special conditions.

Art. 58. Any civil servants among those mentioned in article 56 have their rights and honour guaranteed by the Government.

Art. 59. A civil servant who shows efficiency and application in his work shall not be transferred to another department without his consent.

Art. 60. Any civil servant whose innocence of any charge against him is proved before a court shall not be dismissed from his employment.

Art. 61. Rules and regulations shall be drawn up regarding Government employees, setting forth the terms of their employment, promotion, salaries, rights, functions, grades, dismissal, pensions, trials and everything in connection with the same.

Part VIII.

General Municipal Councils

Art. 62. A council shall be elected in each of the municipalities of Mecca, Medina and Jedda, and shall be called the "General Municipal Council."

Art. 63. Its members shall be landlords, members of special crafts and professions, which will be mentioned in the municipal regulations, and the notables who will be elected by His Majesty the King or his Agent-General after their names have been submitted for membership of the General Municipal Council.

Art. 64. The membership of persons elected for a General Municipal Council will not be considered valid until after approval by His Majesty the King.

Art. 65. The members of a General Municipal Council shall not exceed 12 in number in the capital, and 8 in Medina and Jedda.

Art. 66. Any member elected to a Municipal Council should be a subject of His Majesty the King, not less than 30 years of age, and should be a capable and competent person, able to read and write Arabic well. He must be in possession of his legal and Sharia rights and known to be of good conduct.

Art. 67. The General Municipal Councils must meet once every month, or more frequently if necessary, under the presidency of one of the members, who will be elected at each sitting.

Art. 68. The General Municipal Councils have full right to examine everything in connection with the municipalities and to pass resolutions to ensure their good administration and order.

Art. 69. Every resolution passed by the General Municipal Councils in the capital should be transmitted to the Agent-General's office or, in the case of Jedda and Medina, to the office of the qaimaqam, who after investigating it should submit it to the office of the Agent-General. The latter in turn will submit it to the Legislative Assembly, who after investigation and endorsement will pass it to His Majesty the King through the Agent-General.

Art. 70. The directors of the municipalities should act in accordance with the resolutions passed by the General Municipal Councils and approved by His Majesty the King, and should carefully comply with them.

Art. 71. The General Municipal Councils have the right to draw up, modify or increase, when necessary, the municipal budgets. They can do so after the approval of His Majesty the King, as laid down in article 69.

Art. 72. As the directors of the municipalities are held responsible to the General Municipal Councils, they should be prepared to answer in detail any enquiry or question put forward by the members in accordance with the law which will be drawn up regarding the organisation of the municipalities.

Art. 73. The municipal members have no right to go beyond the limits of such of the foregoing articles as may be valid and may be laid down in the organisation of the municipalities.

Art. 74. The period of validity of membership of the General Municipal Councils is 3 years, after which new elections must take place in accordance with article 63.

Art. 75. Former members are eligible for re-election.

Art. 76. Membership of the General Municipal Councils is an honorary position.

PART IX.

MUNICIPAL ADMINISTRATION COMMITTEES

Art. 77. In every municipality there shall be a committee composed of the director of the municipality and other heads of its different sections.

Art. 78. The function of these committees is to investigate ways and means for executing the resolutions passed by the General Municipal Councils, by carefully examining everything which is passed to them and by reaching decisions regarding the same.

Art. 79. Administrative committees should meet twice every week, or more often if necessary.

ROYAL DECREE CONSTITUTING NEJD A KINGDOM AND UNITING WITH THE HEJAZ—JANUARY 29, 1927[1]

As a result of the petition made to us by those of our subjects who have power to loose and to bind in the Sultanate of Nejd and its dependencies, we have ordered that the said Sultanate and its dependencies shall become "the Kingdom of Nejd and its dependencies," and that our title shall henceforward be "King of the Hejaz and of Nejd and its dependencies." We pray that God may grant us success and help in our endeavours to fulfil this task. He is the best of Helpers.

ABDUL-AZIZ
King of the Hejaz and of Nejd
and its dependencies.

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[1] Original Arabic text in "Umm-al-Qura," No. 121, April 8, 1927.

ROYAL DECREE, NO. 2716

SEPTEMBER 18, 1932

Having placed our reliance on God, and in accordance with the telegrams with which our various subjects in the Kingdom of the Hejaz, Nejd and its Dependencies have petitioned us, and in compliance with public opinion in our country, and because of our desire to unite the sections of this Arabian kingdom, we have decreed the following:

First Article—The name of the Kingdom of Hejaz and of Nejd and its Dependencies shall be changed to that of The Kingdom of Saudi Arabia; and henceforth our title shall be King of the Kingdom of Saudi Arabia.

Second Article—This change will take effect from the date of its announcement.

Third Article—This change shall have no effect on the existing international treaties, conventions and obligations which will retain their value and effectiveness. Similarly it shall have no effect on individual contracts and covenants which shall remain effective.

Fourth Article—The rest of the regulations, instructions and decrees preceding and ensuing from us shall remain effective after this change.

Fifth Article—Forms of our present government, whether in Hejaz, Nejd or their Dependencies shall retain their present status temporarily, until new forms take their place on the basis of the new unification.

Sixth Article—Our present Council of Ministers shall immediately formulate a new constitution, a new order for the succession to the throne and new regulations for governmental organization, and shall submit them to us that we may issue our orders concerning them.

Seventh Article—The president of our Council of Ministers may add to the members of the Council of Ministers any individual or individuals of wisdom when formulating the above-mentioned regulations, to benefit by their counsels and knowledge.

Eighth Article—We have chosen the day of Thursday falling on the 21st of Jumada Ula [September 22], and corresponding to the first day of Libra for the announcement of the unification of the Kingdom of Saudi Arabia, and of God we seek success.

Issued at our palace in Riad on this day the seventeenth of the month of Jumada Ula, the year 1351 [September 18, 1932].

ABDUL-AZIZ.

Syria

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4. AMENDMENT TO THE ELECTORAL LAW OF SYRIA—ARRÊTÉ NO. 1922 DU 21 AVRIL, 1928 295
   Bulletin Officiel des Actes Administratifs du Haut Commissariat de la République Française. No. 8. Beyrouth, 30 avril, 1928.

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5. FRANCO-TURKISH ARRANGEMENT OF JUNE 23, 1939. ARRANGEMENT FOR THE FINAL SETTLEMENT OF TERRITORIAL QUESTIONS BETWEEN TURKEY AND SYRIA 296-299
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[1] Cf. p. 162 n. 1.

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CONSTITUTION OF THE STATE OF SYRIA, PROMULGATED BY A DECREE OF THE HIGH COMMISSIONER OF THE FRENCH REPUBLIC

No. 3111, of May 14th, 1930[1]

Part I. Fundamental Provisions

CHAPTER I. THE STATE AND THE TERRITORY

Art. 1. Syria is an independent and sovereign State. No part of the territory may be alienated or ceded.

Art. 2. Syria constitutes an indivisible political unit.

Art. 3. Syria is a Parliamentary Republic. The religion of the President is Mohammedanism. The capital of Syria is the city of Damascus.

Art. 4. The Syrian flag shall be composed as follows: the length shall be double the height. It shall contain three bands of equal dimensions, the upper band being green, the middle band white, and the lower band black. The white portion of the flag shall bear three red stars in line, having five points each.

CHAPTER 2. RIGHTS OF INDIVIDUALS

Art. 5. The conditions under which Syrian nationality may be acquired or forfeited shall be laid down by the law.

Art. 6. All Syrians shall be equal in the eyes of the law. They shall enjoy equal civil and political rights; they shall be bound by the same obligations and subjected to the same charges. No distinction shall be made between them in respect of religion, faith, race or language.

Art. 7. Personal freedom shall be guaranteed. No person may be arrested or kept in custody, except in cases determined by the law and in observance of the forms prescribed by it.

Art. 8. Every person who is arrested or detained in custody shall be informed within twenty-four hours of the grounds for such detention or arrest, and of the authority at whose instance it has been carried out; and such persons shall, within the same period, be accorded all possible facilities for preparing their defence.

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[1] This Constitution is also in force in Djebel ed Druz, which is now a part of the Syrian Republic, as well as in Latakia. For article 116 of the Constitution, see p. 276 n. 1.—Ed.

Art. 9. No offence shall be punished and no conviction may be pronounced, except in conformity with the law.

Art. 10. No person shall be tried except before the courts prescribed by law.

Art. 11. Corporal punishment is forbidden; it is likewise forbidden to deport Syrians from their national territory or to compel them, or forbid them, to reside in any place, except as provided by the law.

Art. 12. Dwellings shall be inviolable; no one may enter therein, except in the circumstances and in the manner prescribed by law.

Art. 13. Rights of ownership shall be protected by law; no person may be expropriated, except on grounds of public utility and in the circumstances defined by law, and on condition that fair compensation is paid beforehand.

Art. 14. The general confiscation of property is forbidden.

Art. 15. There shall be absolute liberty of conscience; the State shall respect all creeds and religions established in the country; it shall guarantee and protect the free exercise of all forms of worship consistent with public order and good morals; it shall also guarantee for all peoples, of whatever creed they belong, the respect of their religious interests and their personal rights.

Art. 16. Freedom of thought shall be guaranteed; all persons shall be entitled to express their views verbally, in writing, in speeches, or graphically, subject to the limitations provided by the law.

Art. 17. Freedom of the Press and of printing shall be guaranteed, subject to the conditions laid down in the law.

Art. 18. Postal, telegraphic and telephonic communications shall be inviolable and may not be delayed or censored, except as provided by law.

Art. 19. Education shall be free, in so far as it is not contrary to public order and good morals and is not detrimental to the dignity of the country or of religion.

Art. 20. Education shall be directed to raising the moral and intellectual standard of the people on lines best suited to the national characteristics, and to promoting concord and a fraternal spirit among all citizens.

Art. 21. Primary education shall be compulsory for all Syrians of both sexes, and shall be given free of charge in the public schools.

Art. 22. The curriculum for public education shall be laid down by a law and shall ensure educational uniformity.

Art. 23. All schools shall be placed under Government supervision.

Art. 24. Arabic shall be the official language in all the public services, except in so far as other languages may be used in addition, in virtue of a law or an international agreement.

Art. 25. Freedom of assembly and association shall be guaranteed in the manner prescribed by the law.

Art. 26. All Syrians shall have access to public employment, without any other distinction than that due to their qualifications or capacity, subject to the conditions laid down by the law.

Art. 27. All Syrians shall be entitled to submit requests or petitions, in conformity with the law, to the authorities or to Parliament, whether collectively or individually, and in regard to business, personal or general matters.

Art. 28. The rights of the different religious communities shall be guaranteed, and such bodies may found schools for the education of children in their own language, provided always that they conform to the principles laid down by the law.

Part II. Public Powers

CHAPTER I. GENERAL PROVISIONS

Art. 29. The nation is the source of all public power.

Art. 30. The legislative power shall be exercised by the Chamber of Deputies.

Art. 31. The executive power shall be entrusted to the President of the Republic, by whom it shall be exercised, with the assistance of the Ministers, under the conditions laid down in the present Constitution.

Art. 32. The right to introduce bills shall be vested in the representatives of the Republic and the Chamber of Deputies.

Art. 33. Before a law can be promulgated, it must have been adopted by the Chamber.

Art. 34. The judicial power shall be exercised in accordance with a statute established by law and affording the necessary guarantees to the judges and persons amenable to their jurisdiction. The judges shall be independent and irremovable, within the limits of the law; judgments shall be rendered and executed in the name of the Syrian people.

CHAPTER 2. THE LEGISLATIVE POWER

Art. 35. The Chamber of Deputies shall consist of members elected in conformity with the electoral law, which shall be framed in accordance with the principles laid down in the following articles:

Art. 36. Every citizen of twenty years of age or upwards shall be entitled to the suffrage, provided that he has not been deprived of his civil rights and that he fulfils the conditions laid down in the electoral law.

Art. 37. The electoral law shall institute the system of the secret ballot and shall provide for the representation of religious minorities.

Art. 38. Deputies must be thirty years of age and must fulfil the conditions prescribed by the law.

Art. 39. The duration of Parliaments shall be for a period of four years.

Art. 40. The elections for the renewal of the Chamber shall be carried out within a period of sixty days preceding the expiry of its mandate.

Art. 41. The method of balloting shall be prescribed by the law. Every candidate shall be entitled to take part in the supervision of the electoral procedure, under the conditions prescribed by the law.

Art. 42. Every deputy shall represent the whole of the nation and may not accept any restriction of his mandate.

Art. 43. A deputy may also at the same time discharge the functions of a Minister.

Art. 44. The Chamber shall hold two ordinary sessions each year; the first session shall open on the first Tuesday following March 15th, and shall terminate at the end of May; the second shall open on the first Tuesday following October 15th, and shall continue till the end of the year. The second session shall be primarily devoted to the discussion and the adoption of the budget.

Art. 45. The ordinary sessions shall begin and end automatically on the dates fixed in the preceding article.

The President of the Republic may convene the Chamber in extraordinary session. The dates of the opening and termination of extraordinary sessions shall be fixed by a decree. The agenda shall be announced in the decree convening the Chamber. The President of the Republic shall be bound to issue a decree convening the Chamber of Deputies in extraordinary session at the request of an absolute majority of the deputies.

Art. 46. Before assuming their duties, the deputies shall swear fidelity to the nation and the Constitution. This oath shall be taken with all due solemnity in the presence of the Assembly.

Art. 47. The Assembly shall decide by an absolute majority as to the validity of elections.

Art. 48. The meetings of the Assembly shall be public; nevertheless, the Assembly may sit in private at the request of the Government or ten of its members. In such cases, the Assembly shall decide at a private meeting whether the proceedings shall continue in private or not.

Art. 49. The Assembly cannot adopt any decision unless an absolute majority of the members composing it are present.

Art. 50. Decisions shall be taken by a simple majority, except where otherwise provided by law. Should the votes be equal, the proposal under discussion shall be rejected.

Art. 51. The Chamber shall vote on questions submitted for its consideration by a show of hands or by members rising or remaining in their seats, or by open ballot. A vote by open ballot shall be the rule for the adoption of a Bill as a whole, and in regard to a question of confidence. Elections and appointments shall be decided by secret ballot.

Art. 52. Any member of the Chamber is entitled to interpellate or interrogate Ministers, in conformity with the Rules of Procedure of the Assembly.

Art. 53. All motions of want of confidence must be submitted in writing and signed by at least ten deputies. Ministers are entitled to adjourn the discussion thereof for one week. A vote of want of confidence shall not be deemed to be adopted unless it is passed by a majority of votes in the Assembly. No motion of this character may be submitted during the voting of the budget.

Art. 54. Every Bill must be examined by a parliamentary committee before being discussed in the Chamber.

Art. 55. No Bill which has been rejected by the Chamber may be reintroduced during the same session.

Art. 56. The Chamber may not adopt a Bill until it has been discussed article by article. A vote by nominal roll-call is requisite for the adoption of the Bill as a whole.

Art. 57. The Chamber has a right of enquiry in certain special cases in which it is given powers by the Rules of Procedure.

Art. 58. No deputy may be prosecuted in respect of opinions expressed by him in the Chamber.

Art. 59. During the sessions, deputies shall enjoy parliamentary immunity, and no measure of constraint may be taken against them without the assent of the Assembly, except in the case of detection in the act of committing an offence.

Art. 60. In the event of a vacancy occurring, the seat shall be filled within two months. The new member's term of office shall terminate with the mandate of the legislature.

Art. 61. A seat falling vacant shall not be filled if the mandate of the Chamber has less than six months to run.

Art. 62. The Chamber shall draw up its own rules of procedure.

Art. 63. At the opening of the October session, the Chamber, under the presidency of its oldest member, the two youngest members acting as Secretaries, shall proceed immediately to elect, by secret ballot and by an absolute majority of the votes cast, a President, two Vice-Presidents, two Secretaries and three Comptrollers. At the second ballot, a relative majority shall be sufficient.

Should the votes be equal, the oldest candidate shall be elected.

Art. 64. Deputies may only vote if they are present at a meeting. Voting by proxy shall not be allowed.

Art. 65. The Chamber, represented by its President, is alone entitled to maintain order among its members. No armed forces may enter the Assembly Hall, nor be posted in its neighborhood, except at the demand of the President.

Art. 66. No petition may be submitted to the Chamber otherwise than in writing.

Art. 67. The remuneration of members of the Chamber shall be determined by a law.

CHAPTER 3. CONCERNING THE EXECUTIVE POWER

I—The President of the Republic

Art. 68. The President of the Republic shall be elected by secret ballot by an absolute majority of the members of the Chamber. At the third ballot, a relative majority shall be sufficient. The President shall hold office for a term of five years. He may be re-elected only after an interval of like duration.

No person shall be eligible for the office of President of the Republic who does not fulfil the conditions of eligibility for the Chamber of Deputies and who has not reached the age of 35.

Art. 69. The offices of President of the Republic and of deputy may not be held simultaneously.

Art. 70. When assuming office, the President shall take an oath of fidelity to the nation and Constitution in the presence of the Assembly in the following terms:

"I swear by Almighty God to observe the Constitution and laws of the country, and to maintain the independence of the country and its territorial integrity."

Art. 71. When the Chamber meets to elect the President of the Republic, it shall proceed with his election before discussing any other matter.

Art. 72. The President shall promulgate laws adopted by the Chamber and shall have no power to modify their provisions. He may not exempt any person from the observation of the said laws. The method of promulgating and publishing the laws shall be prescribed by a special law.

Art. 73. The President shall exercise the prerogative of pardon. Amnesties may not be accorded except in virtue of a law.

Art. 74. The President shall conclude and sign treaties; those concerning the safety of the State or the public finances, as also commercial treaties and, in general, all treaties which cannot be denounced at the expiry of any year, shall not, however, come finally into force until they have been adopted by the Chamber.

Art. 75. The President of the Republic shall select the Prime Minister and shall appoint the Ministers on the nomination of the latter. He shall accept their resignations. He shall appoint representatives of the Republic abroad and receive the representatives of foreign countries; he shall appoint civil officials and magistrates. He shall preside at public ceremonies under the conditions prescribed by the law.

Art. 76. Every instrument issued by the President, with the exception of those relating to the appointment or resignation of the Prime Minister, must be countersigned by the Minister concerned.

Art. 77. With the approval of the Cabinet, and on the responsibility of that body, the President may issue a decree dissolving the Chamber before the legal expiry of its mandate. The grounds on which the President dissolves the Chamber shall be stated in the decree, which shall also provide for the convening of the electoral bodies; the latter shall proceed to carry out new elections within a period not exceeding two months.

The new Assembly shall be convened within a fortnight after the promulgation of the results of the elections. If no fresh elections have been carried out, or if the new Assembly has not been convened within four months, the former Chamber shall meet as of right and shall exercise its mandate until the new elections have taken place.

Art. 78. The President may not dissolve the Chamber more than once on the same grounds.

Art. 79. The President shall promulgate laws within one month from the date of their transmission to the Government, after having been definitively adopted. If a law has not been promulgated within that period, it shall come automatically into force. Laws which are declared urgent by the Chamber shall be promulgated within eight days.

Art. 80. Within the time allowed for promulgation, the President may request that a law should be further discussed. If the Chamber confirms its former vote by a two-thirds majority, the law shall come into force and must be promulgated.

Art. 81. The President may, with the assent of the Cabinet, adjourn the Chamber for a period not exceeding one month. He may not do so more than once during the same session.

Art. 82. The President may not be called to account for actions performed by him in the discharge of his duties, except in the case of violation of the Constitution or high treason. His responsibility in respect of offences against the ordinary law shall be subject to the ordinary law. He may not be indicted for these offences or for violating the Constitution or for high treason, except by the Chamber of Deputies, acting in virtue of a decision adopted by a majority of two-thirds of the members composing the Assembly. He may not be tried except by the High Court, as constituted under Article 97 of the present Constitution. The function of Public Prosecutor at the High Court shall be exercised by two judicial officials appointed each year by the Court of Cassation at a general meeting.

Art. 83. Should the President be indicted, he shall be suspended from his functions, and the Presidency shall remain vacant until the High Court has rendered its decision.

Art. 84. Should the Presidency become vacant, the executive power shall be temporarily exercised by the Cabinet.

Art. 85. One month at least and two months at most before the expiry of the term of office of the President of the Republic, the Chamber shall be summoned by its President for the purpose of electing the new President. Should it not be thus summoned, the Chamber shall meet of its own accord on the tenth day preceding the expiry of the President's term of office.

Art. 86. Should the Presidency become vacant through the death or resignation of the President, or for any other cause, the Assembly shall meet within eight days, of its own accord, to elect a new President. If the Chamber is dissolved at the time the vacancy occurs, the electoral bodies shall be convened without delay, and as soon as the elections have taken place the Chamber shall meet as of full right.

Art. 87. The emoluments of the President shall be fixed by a law; they may neither be increased nor diminished during his term of office.

II—Concerning the Ministers

Art. 88. The Cabinet exercises its authority over all the services of the State; it meets under the chairmanship of the Prime Minister to decide on important questions.

Art. 89. The number of Ministers shall not exceed seven; they need not necessarily be members of Parliament.

Art. 90. The Ministers shall be jointly responsible to Parliament for the general policy of the Government. They shall be individually responsible in respect of matters arising in their respective departments. The Cabinet shall submit its general programme to the Chamber through the Prime Minister or another Minister.

Art. 91. Ministers may attend meetings of the Chamber, may address the Chamber and may obtain assistance from the officials of the Government in the Chambers.

Art. 92. No Minister may buy or rent anything which is the property of the State domains, even at a public auction. He may not participate in contracts for supplies entered into by the public administrations, nor may he during his term of office be on the board of any business.

Art. 93. No motion of want of confidence in respect of the Cabinet or of a Minister may be put to the vote unless at least two-thirds of the members of the Chamber are present.

In case, however, the question of confidence is raised by the Cabinet or by one of the Ministers, it may be discussed if a majority of the members are present.

A Cabinet or a Minister in respect of whom a vote of want of confidence has been adopted shall be required to resign.

Art. 94. The Chamber of Deputies may indict Ministers for high treason or abuse of powers, in virtue of a decision which may only be taken by a majority of two-thirds of the total number of deputies. The civil responsibility of Ministers shall be determined by a special law, in which regard shall be paid to the principle of pecuniary responsibility towards the State.

Art. 95. A Minister who is indicted shall be tried by the High Court.

Art. 96. A Minister shall leave office as soon as he is indicted. The Minister's resignation shall not prevent proceedings being taken or continued against him.

CHAPTER 4. CONCERNING THE HIGH COURT

Art. 97. The High Court shall consist of fifteen members; namely, eight deputies elected by the Chamber of Deputies at the beginning of each year and seven Syrian magistrates occupying the highest posts in the judicature, in order of rank or, should their rank be equal, in order of seniority. These magistrates shall be nominated each year by the Court of Cassation at a general meeting.

The High Court shall meet under the presidency of the senior magistrate in order of rank. Its judgments shall be rendered by a majority of ten votes. The duties of Public Prosecutor shall be carried out by the Attorney-General of the Court of Cassation, except in the case of the indictment of the President of the Republic, where this duty shall be undertaken by a majority nominated by the Court of Cassation under the conditions provided in Article 82 of the present Constitution.

The procedure to be followed before the High Court shall be determined by a law.

PART III. FINANCES

Art. 98. Taxes shall be established for purposes of common utility. They may only be levied, modified or abolished in virtue of a law. No person may be exempted from a tax except in virtue of a law.

Art. 99. Each year, at the beginning of the October session, the Government shall submit to the Chamber of Deputies the general budgetary estimates of State revenue and expenditure for the coming year. The budget shall be voted upon article by article.

Art. 100. During the discussion of the budget or of draft laws involving the opening of supplementary or extraordinary credits, the Chamber may not increase the credits proposed either by way of amendment or of independent proposals. The Chamber may, however, adopt laws involving further expenditure after the close of this discussion. The Parliamentary Committee appointed to examine the budgetary estimates shall be entitled to modify them.

Art. 101. No extraordinary credit may be opened except in virtue of a special law. Nevertheless, should unforeseen circumstances arise making urgent expenditure necessary, the President of the Republic may, in virtue of a decree adopted with the approval of the

Cabinet, open extraordinary or supplementary credits or effect any transfer of credits. Such credits may not exceed two thousand pounds per item. The measures thus decreed shall be submitted to the Chamber for ratification at the first ensuing session.

Art. 102. If the Chamber of Deputies has not given a final decision on the budgetary estimates before the expiry of the session devoted to their examination, the President of the Republic shall convene an extraordinary session to terminate at the end of January for the purpose of continuing the discussion of the budget. In that case, provisional credits, calculated on the basis of one-twelfth of the preceding financial year, shall be opened in virtue of a decree. During this period, taxes and dues shall be levied, and disbursements effected, in conformity with the laws in force.

If at the end of the aforesaid extraordinary session the budget has not been finally voted, the President of the Republic may, by a decree adopted with the approval of the Cabinet, give effect to the budgetary estimates in the form in which they were submitted to the Chamber.

The President of the Republic may not exercise this right unless the budgetary estimates were submitted to the Chamber at least fifteen days before the beginning of the session.

Art. 103. The final accounts for the closed financial year shall be submitted to the Chamber within a time-limit not exceeding two years reckoned from the end of the budgetary year in question. A Board of Auditors shall be created by a special law to audit all receipts and expenditure. This Board shall be an independent body and its members shall be irremovable, except as otherwise provided by the law and with the approval of the Parliament.

Art. 104. No public loan or obligation involving a charge upon public funds may be contracted except by virtue of a law.

Art. 105. No concession for the exploitation of the natural resources of the country or for a service of public utility nor any monopoly of such a nature as to involve financial liability to the State may be granted except by virtue of a law. Such concessions or monopolies may only be granted for a limited period.

Art. 106. The monetary system shall be regulated by law.

Art. 107. The economic laws shall aim at promoting the development of local industries.

PART IV. REVISION OF THE CONSTITUTION

Art. 108. The Chamber may, at an ordinary session and on the motion of one-third of its members or of the President of the Republic acting in this matter with the assent of the Cabinet, adopt a recommendation by a majority of two-thirds of its members in favour of a revision of the Constitution. The recommendation must specify the articles which it is desired to modify. The Chamber shall decide as to the revision of the articles in question at its next ordinary session. A decision in favour of a revision of the Constitution shall require a majority of two-thirds of the members of the Chamber.

PART V. MISCELLANEOUS PROVISIONS

Art. 109. The boundaries, organisation and attributions of the administrative districts shall be the subject of a special law, which shall take into consideration the special position of some of these districts.

Art. 110. The organisation of the future army shall be the subject of a special law.

Art. 111. The present laws shall continue in force until they are modified by fresh legislation.

Art. 112. The President of the Republic may, on the proposal of the Cabinet, proclaim a state of siege in districts where disorder is prevalent, provided that he immediately informs the Chamber thereof. If the Chamber is not in session, the President of the Republic shall convene it forthwith.

Art. 113. The affairs of the Bedouin tribes shall be under the direction of a special Administration; its powers shall be the subject of a law, in which consideration will be given to the special situation of these tribes.

Art. 114. The Mohammedan Wakfs belong, speaking generally, exclusively to the Mohammedan community, and shall be administered by Boards elected by Mohammedans. The method of electing these Boards and their powers shall be dealt with in a special law.

Art. 115. The first President of the Republic shall be elected by the Chamber of Deputies in conformity with the provisions of the Constitution.

PART VI. TRANSITORY PROVISION

Art. 116.[1] No provision of the present Constitution is or can be in conflict with the obligations contracted by France in respect of Syria, more particularly in regard to the League of Nations.

This reservation applies more especially to those articles affecting the maintenance of order, security and the defences of the country, and to those which concern foreign relations.

So long as France shall continue to be under international obligations in respect of Syria, any provisions of the present Constitution which may affect those obligations shall only be applied in conformity with an agreement to be concluded between the French and Syrian Governments.

Accordingly, whenever the application of the laws contemplated by any articles of the present Constitution might affect the said responsibilities, the discussion and promulgation of such laws in conformity with the present Constitution shall only be proceeded with in execution of the terms of the aforesaid agreement.

Decisions, in the nature of laws or regulations, rendered by the representatives of the French Government may not be modified except in virtue of an agreement between the two countries.

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[1] The Legation of Syria in Washington furnishes the following information through its Counsellor: The Syrian Government is now functioning under the first 115 articles of the Constitution. Article 116 is considered abrogated. In a letter dated September 11, 1945, the Counsellor further states: "When the President of the Republic and the members of Parliament upon their election in the fall of 1943, swore oath to the Constitution, the oath stated clearly that the Constitution is made up of 115 articles." See p. 162 n. 1.—ED.

ELECTORAL LAW OF SYRIA

ARRÊTÉ No. 1889 DU 20 MARS, 1928

PORTANT FUSION DES ARRÊTÉS No. 2144 ET 2145 DU 30 AOÛT 1923, RELATIFS AUX CONSEILS REPRÉSENTATIFS DES ANCIENS ETATS DE DAMAS ET D'ALEP, ET DE L'ARRÊTÉ 2844 DU 11 SEPTEMBRE 1924, RELATIF AUX ÉLECTIONS DANS LE SANDJAK DE DEIR-EZ-ZOR

Le Haut-Commissaire de la République Française.

Vu les Décrets du Président de la République Française en date des 8 Octobre 1919, 23 Novembre 1920 et 3 Septembre 1926.

Vu les arrêtés 2144 et 2145, du 30 Août 1923, relatifs aux Conseils représentatifs des Anciens Etats de Damas et d'Alep.

Vu les arrêtés 2197 et 2199 du 24 Septembre 1923, fixant le fonctionnement et les attributions des Conseil Représentatifs des Anciens Etats d'Alep et de Damas.

Vu l'arrêté 2844 du 11 Septembre 1924, relatif aux élections dans le Sandjak de Deir-ez-Zor.

Vu l'arrêté No. 2980 du 5 Décembre 1924, portant organisation de l'Etat de Syrie.

Considérant qu'il est nécessaire de fondre en un seul les divers textes en vigueur sur la matière dans les anciens Etats d'Alep et de Damas, pour doter l'Etat de Syrie d'une réglementation uniforme.

Sur la proposition du Secrétaire Général,

ARRÊTE:

Art. 1.—Les membres du Conseil Représentatif de l'Etat de Syrie sont élus au suffrage universel à 2 degrés,

Le Nahié, dans les campagnes, et le quartier, dans les villes, constituent la circonscription électorale du 1^er^ degré; le caza ou les villes de Damas et d'Alep celle du 2^ème^ degré.

Le Nahié et le quartier constituent la circonscription de vote du 1^er^ degré: le Caza ou les villes de Damas et d'Alep celle du 2^ème^ degré.

Le scrutin est secret.

La durée du Mandat des Membres du Conseil Représentatif qui seront élus lors de la prochaine consultation électorale sera fixée par un acte ultérieur.

TITRE I.

De l'attribution et de la répartition des sièges

Art. 2.—Chaque caza a autant de représentants au Conseil que sa population contient de fois 6000 électeurs ou une fraction supérieure à 3000, sous réserve de la représentation des confessions prévue à l'alinéa 4 du présent article.

Les cazas comptant moins de 3001 électeurs sont groupés autant que possible, de manière à atteindre ce chiffre.

Afin de répartir les sièges proportionnellement à l'importance des confessions, il est attribué un siège à toute communauté religieuse qui, dans la circonscription électorale, atteint les chiffres prévus à l'alinéa 1. Aux communautés auxquelles les dispositions ci-dessus n'assureraient pas de représentation, il sera accordé autant de sièges qu'elles groupent de fois, dans l'ensemble de l'Etat les chiffres prévus à l'alinéa 1 du présent article.

En outre, toutes autres communautés de confessions différentes qui n'ont pas, dans l'ensemble de l'Etat, des effectifs suffisants pour être représentées par un de leurs membres, seront groupées et auront droit à un siège, si ces effectifs atteignent au moins 3,001 électeurs et, s'ils le dépassent, à autant de sièges que le groupe ainsi constitué comprendra de fois 6,000 électeurs, le reliquat ayant également droit à un siège s'il est supérieur à 3,000 membres.

S'il n'y a qu'un seul siège à attribuer dans ces conditions, il est réservé à la communauté minoritaire la plus nombreuse, s'il y en a deux, aux deux communautés les plus nombreuses et ainsi de suite.

Les sièges ainsi créés pour la représentation des minorités sont affectés aux circonscriptions électorales où les communautés attributaires groupent le nombre de membres le plus élevé.

Art. 3.—Un arrêté du Chef de l'Etat fixe, avant chaque période électorale, le nombre des représentants pour chaque circonscription électorale et la communauté religieuse à laquelle ils doivent appartenir.

Les représentants du Sandjak du Deir-ez-Zor, en ce qui concerne les Cazas de Deir, de Mayadine, d'Abou Kemal et de Rakka seront élus dans les mêmes conditions. Par exception aux dispositions de l'article 2 les Cazas de Hassetché et de Kérou auront droit ensemble à un représentant.

Les nomades de l'Etat seront représentés pour les mouvances de Damas et d'Alep, chacune par un député élu par les chefs de fractions des tribus de la mouvance et pour Deir-ez-Zor par deux députés (un pour les Anézés et un pour les Chammars de la Haute Djézireh).

Art. 4.—Chaque électeur de la circonscription électorale, sans distinction de rite, vote pour le ou les candidats à élire.

Art. 5.—Dans les circonscriptions électorales ayant droit à plusieurs représentants, chaque électeur ne dispose que d'un bulletin de vote, sur lequel il doit inscrire autant de noms qu'il y a de sièges à pourvoir.

Il doit, en outre, tenir compte obligatoirement de la répartition des sièges faite entre les diverses confessions par l'arrêté du Chef de l'Etat et ne peut inscrire plus d'une fois le nom d'un même candidat, à peine de nullité du bulletin.

TITRE II.

Etablissement des listes électorales

Art. 6.—Dans chaque circonscription électorale, sauf pour les nomades visés à l'article 29, il est procédé à l'établissement d'une liste unique, portant le nom de tous les habitants du sexe masculin de la circonscription âgés de plus de 21 ans au 1er janvier de l'année en cours.

A cet effet, il est établi une liste pour chaque quartier ou village, par une commission de recensement désignée par le Kaimakam ou le Président de la Municipalité et comprenant le Moukhtar, Président, les Imans, les Chefs religieux et deux notables choisis par le Kaimakam ou le Président de la Municipalité.

Cette Commission utilise les états de recensement dans toutes les circonscriptions où ils ont été dressés; dans le cas contraire, elle établit directement la liste prévue aux alinéas ci-dessus.

Dans les groupements semi-sédentaires du Sandjak de Deir-ez-Zor, la Commission de Recensement se compose du Conseil des Anciens, sous la présidence du Chef de groupement.

Art. 7.—Les listes de quartier ou village comportent obligatoirement l'indication, pour chaque individu, des nom, prénom, âge, rite et lieu du principal et réel établissement, ainsi que des causes d'incapacité électorale dont la Commission aurait connaissance.

Les électeurs appartenant à des agglomérations sans nom, ou habitant des maisons éparses et séparées de toute agglomération, sont réunis à ceux appartenant à la plus voisine agglomération dénommée.

Ces listes doivent être terminées dans la huitaine qui suit la constitution de la commission de recensement, elles sont adressées directement, par son Président, au Kaimakam ou au Président de la Municipalité qui dresse alors la liste de la circonscription électorale.

Art. 8.—Le Kaimakam ou les Présidents des municipalités de Damas et d'Alep en même temps qu'ils font procéder à la réunion de commissions de recensement désignent une commission de révision de la liste électorale qui se réunit sous leur présidence, et qui comprend en principe: le Président de la Municipalité du Chef-Lieu du Caza, les membres du Conseil Municipal et les membres élus du Conseil administratif. Le Chef du bureau de l'Etat-Civil du Chef-Lieu du Caza siège dans cette commission avec voix consultative seulement. Un arrêté du Chef de l'Etat peut prescrire la division de la circonscription électorale en plusieurs sections pour les opérations de révision de la liste.

Art. 9.—Dans les 3 jours de sa convocation par le Kaimakam ou les Présidents des Municipalités de Damas et d'Alep, la Commission de révision doit avoir terminé l'examen de la liste électorale du Caza ou des villes de Damas et d'Alep.

A cet effet, elle se réfère aux conditions fixées par les Art. 16, 17, 18 et 19 pour être électeur au 1er degré, et opère les rectifications nécessaires.

En ce qui concerne les groupements semi-sédentaires du Sandjak de Deir, elle s'efforce de compléter les listes défectueuses en s'aidant de tous documents officiels de nature à l'éclairer: rôles d'impôts etc. . . .

Quand ce travail est terminé, le Kaimakam ou le Président de la Municipalité fait afficher la liste électorale dans les lieux publics (Sérails, mosquées, églises, places de marchés des villages ou quartiers).

En ce qui concerne les groupements semi-sédentaires du Sandjak de Deir, elle est retournée aux Chefs de ces groupements chargés de la publier dans leur groupement.

L'accomplissement de cette formalité fait l'object d'un procès-verbal rédigé par le Moukhtar ou chef de groupement, et mentionnant la date à laquelle elle a été effectuée.

Art. 10.—Quiconque croit relever dans la liste une irrégularité, une erreur ou une omission, peut présenter une réclamation qui doit parvenir au Président de la Commission de révision dans les 5 *jours qui suivent* celui de l'apposition des affiches.

Le même droit appartient aux Moukhtars et aux Mudirs et, dans le Sandjak de Deir, aux Moukhtars, aux mudirs et aux chefs des groupements semi-sédentaires.

Le président de la Commission donne récépissé de ces réclamations, et convoque d'urgence la commission de révision qui doit statuer dans un délai de 5 jours à partir de l'expiration du délai précité.

Les demandes qui n'ont pas été admises par elle sont transmises, d'urgence au fur et à mesure des rejets, par le Kaimakam ou le Président de la Municipalité au Tribunal de première instance de la circonscription électorale (ou à défaut de la justice de paix du caza) qui doit statuer dans les huit jours de cette transmission.

L'électeur dont l'inscription est constatée et la ou les personnes qui ont déposé une réclamation contre cette inscription sont averties du jour de l'audience par notification administrative, l'électeur peut se faire représenter par mandataire.

Le Tribunal ou le juge de Paix statue sans frais et sans forme de procédure.

Les décisions ne sont pas susceptibles d'opposition: elles sont en dernier ressort: aucun recours en cassation n'est admis.

Art. 11.—A l'expiration du délai de 8 jours fixé ci-dessus, la Commission de révision procède à l'établissement d'une liste unique et définitive, dressée pour l'ensemble de la circonscription électorale par quartier ou village, ou groupement semi-sédentaire en ce qui concerne le Sandjak de Deir.

Des extraits de cette liste pour chaque village ou quartier sont affichés comme il a été dit à l'article 9 et cet affichage tient lieu de notification des décisions prises par la Commission de révision et par l'autorité judiciaire.

Art. 12.—Une révision de la liste électorale, dans chaque circonscription électorale sera opérée annuellement par la commission de révision constituée au Chef-lieu de la circonscription comme il est dit aux articles précédents du 1er janvier au 10 janvier de chaque année. Les Moukhtars adresseront au Kaimakam ou au Président de la Municipalité une liste en deux parties, la première partie comprend les habitants de leur quartier ou village que les Moukhtars reconnaissent avoir acquis, les qualités exigées par le présent arrêté pour l'inscription sur la liste électorale, ceux qui acquerront les conditions d'âge et d'habitation avant le 1er Avril de l'année courante, et ceux qui auraient été précédemment omis. La deuxième partie comprend tous ceux qui doivent être retranchés: 1. individus décédés; 2. ceux dont la radiation a été ordonnée par les autorités compétentes; 3. ceux qui n'ont pas ou qui ont perdu les qualités requises pour être inscrits. La Commission saisie par le Kaimakam vérifie, s'il y a lieu, les renseignements produits, puis dresse procès-verbal mentionnant les motifs invoqués et les pièces fournies. Elle rectifie ensuite en conséquence la liste électorale.

Art. 13.—Le Président de la Commission adresse aux Moukhtars, dans les 8 jours de l'établissement de la liste rectifiée, les extraits de celle-ci qui concernement leur village. Il adresse aux Présidents des Municipalités ceux qui concernent les villes.

Les listes rectifiées sont alors affichées comme il est dit à l'article 9. Les électeurs omis pourront demander leur inscription et tout électeur peut demander la radiation d'une personne inscrite à tort sur la liste électorale, en s'adressant dans les 48 heures qui suivent l'affichage au Président de la Commission qui statute sur l'heure. En cas de contestation des intéressés, la requête est immédiatement transmise au tribunal de 1ère instance ou au Juge de paix qui statue sans appel dans les huit jours.

Art. 14.—A l'expiration du délai ci-dessus, les commissions de révision des listes électorales opèrent immédiatement toutes les rectifications prononcées.

Le Kaimakam, ou le Président de la Municipalité adresse aux Moukhtars des extraits de cette liste qui sont aussitôt affichés par les soins de ces derniers. Cet affichage tient lieu de notification des décisions prises par la Commission de révision ou par l'autorité judiciaire.

Art. 15.—La liste électorale reste valable jusqu'au 31 Mars de l'année suivante.

TITRE III.

Electorat-Eligibilité

Art. 16.—Les conditions requises pour être électeur au 1^er^ degré dans une des circonscriptions électorales de l'Etat sont:

1.—Etre citoyen de l'Etat.

2.—Etre âgé de 21 ans accomplis au 1^er^ Avril de l'année de l'élection.

3.—Jouir de ses droits civils et politiques.

4.—Etre domicilié dans la circonscription électorale, et y résider effectivement depuis plus de 6 mois.

5.—Ne se trouver dans aucun des cas d'incapacité prévus à l'article 17.

6.—Justifier, sauf pour les semi-sédentaires du Sandjak de Deir, de son inscription sur les registres de l'Etat Civil.

Toutefois, aucune condition de résidence ne sera imposée aux fonctionnaires publics et aux Ministres de divers cultes.

Art. 17.—Ne peuvent être inscrits sur les listes électorales:

1.—Les individus condamnés à l'interdiction des droits civiques, à titre de peine spéciale ou accessoire à d'autres peines.

2.—Les individus condamnés à la privation perpétuelle de tous grades et fonctions publiques, ceux qui auront été privés à temps de leurs fonctions, ne pourront être inscrits qu'à l'expiration de leur peine.

3.—Les individus condamnés à une peine criminelle ou à une peine correctionnelle, pour un des délits infamants suivants: vol, escroquerie, abus de confiance, outrage public à la pudeur, excitation habituelle des mineurs à la débauche, vagabondage, banqueroute simple ou frauduleuse.

4.—Les condamnés pour crime à l'emprisonnement au moins.

5.—Les interdits judiciaires pendant la durée de leur interdiction et les aliénés.

6.—Les faillis non condamnés pour banqueroute simple ou frauduleuse, ne peuvent être inscrits sur la liste électorale pendant trois ans à partir de la déclaration de la faillite. Ils ne sont éligibles qu'après réhabilitation.

Art. 18.—Nul ne peut être inscrit sur deux ou plusieurs listes électorales à la fois ou sur diverses parties de la liste d'un même caza, ou des villes de Damas et d'Alep. Les électeurs qui seraient portés sur plusieurs listes électorales ou plusieurs parties de la même liste doivent, au cours du délai de révision faire connaître le lieu de leur domicile réel.

Toute demande de changement d'inscription sur les listes électorales, doit être accompagnée d'une demande en radiation de la liste, ou de la partie de la liste électorale, sur laquelle l'intéressé figurait antérieurement.

Art. 19.—Les militaires, les gendarmes, et les assimilés régulièrement encadrés de tous grades, ne prennent part à aucun vote quand ils sont présents à leur corps, à leur poste ou dans l'exercice de leurs fonctions. Ceux qui au moment de l'élection, se trouvent en résidence libre, en non activité, ou en possession d'un congé régulier dans la circonscription électorale sur la liste de laquelle ils sont régulièrement inscrits. Cette dernière disposition s'applique également aux Officiers et assimilés qui sont en disponibilité ou dans le cadre de réserve.

Art. 20.—Les conditions requises pour être électeur du 2ème degré dans une des circonscriptions électorales de l'Etat sont:

1.—Etre électeur du 1er degré dans la circonscription électorale.

2.—Etre âgé de 25 ans accomplis au 1er Janvier de l'année de l'élection.

Art. 21.—Les conditions requises pour être élu au Conseil Représentatif de l'Etat sont:

1.—Etre électeur du 1er degré dans la circonscription électorale où l'on se présente.

2.—Etre âgé de 30 ans accomplis au 1er Janvier de l'année de l'élection.

3.—Ne pas être illettré.

Art. 22.—Les militaires, les gendarmes et les assimilés régulièrement encadrés, ne pourront, quels que soient leur grade ou leurs fonctions, être élus membres du Conseil Représentatif. Cette disposition s'applique aux militaires et marins même en disponibilité ou en non activité, mais elle ne s'étend pas aux militaires qui, ayant acquis des droits à la retraite, sont envoyés ou maintenus dans leurs foyers en attendant la liquidation de leur pension. Elle ne s'étend pas davantage aux militaires faisant partie du cadre de réserve, ou du cadre territorial qui existe ou pourrait être créé.

Art. 23.—L'exercice des fonctions publiques rétribuées sur le budget de l'Etat, à l'exception des fonctions religieuses, est incompatible avec le mandat de Membre du Conseil Représentatif: en conséquence ce fonctionnaire élu membre du Conseil Représentatif est remplacé dans ces fonctions si, dans les 5 jours qui suivent la validation des mandats, il n'a pas fait connaître qu'il n'accepte pas ce mandat. Tout membre du Conseil Représentatif nommé ou promu à une fonction publique salariée cesse d'appartenir au Conseil par le fait même de son acceptation.

Art. 24.—Le fonctionnaire élu au Conseil Représentatif et optant pour le mandat de membre de ce Conseil, conserve le cas échéant, les droits qu'il a acquis à une pension de retraite, et peut, après l'expiration de son mandat, être remis en activité s'il y a une vacance dans son grade ou son emploi.

Art. 25.—Ne peuvent être élus ni membres du Conseil Représentatif, ni électeur du 2ème degré, dans quelque circonscription électorale que ce soit, durant l'exercice de leurs fonctions et pendant les 6 mois qui en suivent la cessation, par démission, destitution, changement de résidence ou de toute autre manière:

1) Les Directeurs et les Chefs de Services à l'Administration centrale de l'Etat.

2) Les magistrats de la Cour de Cassation et de la Cour d'Appel.

3) Les entrepreneurs et adjudicataires des Services de l'Etat jusqu'à l'apurement de leurs comptes.

Art. 26.—Ne peuvent être élus ni membre du Conseil Représentatif, ni électeur du 2ème degré, dans le ressort où ils exercent leurs fonctions, durant l'exercice de ces fonctions et pendant les 6 mois qui en suivent la cessation par démission, destitution, changement de résidence ou de toute autre manière:

1) Les Valis, Mutessarifs, Kaimakams et Mudirs.
2) Les ingénieurs, Chefs de Service des Travaux Publics.
3) Les Muhassebjis, mudirmals, les agents de tous grades sous leurs ordres et d'une façon générale tous les agents du Service financier ou des régies financières.
4) Les Commissaires de police.
5) Les magistrats de première instance et juges de paix.
6) Les Chefs de bureau du Cadastre.

Art. 27.—Tout mandat impératif est nul et de nul effet.

Art. 28.—Les collèges électoraux ne peuvent s'occuper que de l'élection pour laquelle ils sont réunis, toutes discussions et toutes délibérations leur sont interdites.

TITRE IV.

CHAPITRE I

Election du 1^er^ Degré

Art. 29.—Les électeurs du second degré sont élus par nahié, ou dans les villes, par quartier, à raison de 1 électeur du second degré pour 100 électeurs du 1^er^ degré, avec minimum de 1 électeur du 2^ème^ degré par nahié ou quartier.

Il n'est pas fait de déclaration de candidature.

Les élections ont lieu à la majorité relative.

Si deux candidats obtiennent le même nombre de voix, le plus âgé est élu.

Par exception, il n'y a pas vote au 1^er^ degré dans les cazas de Hassetché et Khérou: les électeurs au 2^ème^ degré dans ces cazas sont désignés, au jour fixé pour les élections, par le Conseil des Anciens de chaque tribu sédentaire ou semi-sédentaire: le nombre des électeurs du 2^ème^ degré à désigner est fixé par un arrêté du Chef de l'Etat.

Le Conseil des Anciens dresse procès-verbal de sa réunion et du choix des délégués qu'il a fait et l'adresse immédiatement à l'autorité administrative la plus haute du chef-lieu électoral du 2^ème^ degré.

Art. 30.—Une instruction du Vali ou du Mutessarif basée sur les chiffres des listes électorales, assurera à l'intérieur du Nahié, en ce qui concerne le nombre et le rite des électeurs du 2^ème^ degré, une représentation des minorités analogues à celle prévue pour la représentation au sein du Conseil Représentatif des minorités des Cazas, ou des villes de Damas et d'Alep.

Art. 31.—Les collèges électoraux sont convoqués par arrêté du Chef de l'Etat. Cet arrêté fixe le jour et les heures d'ouverture et de clôture du scrutin: il doit être publié *10 jours au moins avant la date fixée pour le scrutin* du 1^er^ degré.

Le Kaimakam ou le Président de la Municipalité adresse à chaque Mudir pour les Nahiés et à chaque Moukhtar, pour les quartiers urbains, la liste des électeurs de leurs nahiés ou quartiers. Il avertit les Imams, les Chefs religieux et les Moukhtars d'avoir à être présents lors de l'ouverture du scrutin.

Art. 32.—Le Mudir, dans chaque Nahié et le Moukhtar dans chaque quartier, constituent un ou plusieurs bureaux de vote qu'ils président ou dont ils font assurer la présidence et qui comprennent l'Imam, les Chefs religieux et deux électeurs sachant lire et écrire, désignés par tirage au sort, parmi les électeurs du chef-lieu du Nahié ou du quartier. Il est adjoint aux bureaux de vote, en qualité de Vice-Président un membre de la Commission de révision du Caza.

Art. 33.—Ce bureau désigne le local où il sera procédé aux élections, divise s'il y a lieu les électeurs de la circonscription en plusieurs groupes et avise chaque groupe de l'heure à laquelle il devra se présenter pour voter au Chef-lieu du Nahié. Les notifications sont faites par les soins des courriers spéciaux désignés par le Président du Bureau.

Art. 34.—Le Mudir doit se procurer:

a) des bulletins de vote en blanc revêtus du cachet officiel du bureau en nombre égal à celui des électeurs;

b) une urne à deux serrures dissemblables et ayant dans le haut une ouverture étroite pour le passage du bulletin.

Art. 35.—Au jour fixé pour l'élection des électeurs du 2ème degré, le bureau de vote se réunit dans le local fixé. Le Vice-Président ouvre l'urne, dont il fait constater le vide à toutes les personnes présentes, pour la refermer ensuite publiquement: il confie l'une des clefs au Président et il conserve l'autre.

L'urne est ensuite ficelée aux 4 coins, puis cachetée du sceau du Président et de tous les membres.

Art. 36.—Pendant toute la durée des opérations électorales un extrait de la liste électorale reste déposé sur la table autour de laquelle siège le bureau.

Art. 37.—Il est ensuite procédé à la distribution des bulletins de vote.

Le Président du bureau doit prévenir les électeurs du 1er degré du nombre et de la confession des électeurs du 2ème degré qu'ils ont à élire.

Art. 38.—Les électeurs sont alors appelés un à un et déclinent leur identité, qui est certifié par le Moukhtar de leur village, le nom du votant est émargé sur la liste électorale et il introduit son bulletin dans l'urne. Le bureau doit veiller à ce que l'électeur ne dépose pas plus d'un bulletin.

Art. 39.—Quand le vote d'un village est terminé, la mention suivante est portée sur la liste électorale: "Les électeurs de notre village ont voté." Elle est signée du Moukhtar, de l'Imam, et des Chefs religieux du village. Les habitants de ce village se retirent et cèdent la place aux électeurs du village suivant.

Art. 40.—L'électeur, appartenant à un village qui a terminé son vote, ne peut voter avec un autre village.

Nul ne peut charger un autre de voter à sa place.

Toutes diligences doivent être faites pour que l'élection soit terminée, dans la mesure du possible, dans une seule journée.

Si toutefois, un village entier ne s'est pas présenté avant l'heure fixée pour la clôture du scrutin, ou si les ¾ des électeurs d'un village se sont abstenus de voter, les opérations sont continuées le lendemain.

L'ouverture de l'urne est, dans ce cas, scellée publiquement par les membres du bureau et le Mudir fait toute diligence pour convoquer les intéressés, le lendemain les sceaux sont enlevés en leur présence, le scrutin continue jusqu'à l'heure fixée pour la clôture.

Art. 41.—Toutefois, les dispositions des articles 38, 39 et 40 ne font pas obstacle à ce que tout électeur, porteur de sa carte d'identité, se présente seul devant le bureau de vote pendant la durée du scrutin.

Cette carte est timbrée au moment du vote au moyen du cachet du bureau, la date de l'élection y est indiquée. Le nom du votant est ensuite émargé sur la liste électorale.

Art. 42.—Dans les agglomérations urbaines, il est procédé au scrutin selon les formes prévues à l'article ci-dessus.

Un arrêté du Chef de l'Etat déterminera avant l'ouverture des opérations électorales, la liste de ces agglomérations.

Art. 43.—Après la clôture du scrutin il est procédé en public au dépouillement par les soins du bureau qui peut s'adjoindre le nombre de scrutateurs nécessaires.

Les tables sur lesquelles s'opère le dépouillement sont disposées de telle sorte que les électeurs puissent circuler autour d'elles.

L'urne est ouverte et le nombre des bulletins est vérifié sans que ces bulletins soient lus. Si ce nombre est plus grand ou moindre que celui des votants, il en est fait la mention au procès-verbal. Si le nombre est supérieur, les bulletins sont tous remis dans l'urne d'où l'on extrait ensuite un nombre égal à celui des électeurs ayant voté. Les bulletins en excédant sont brûlés publiquement sans être dépouillés, ni lus.

Les bulletins blancs ou illisibles, ceux qui ne contiennent pas une désignation suffisante du candidat, ou dans lesquels les votants se font connaître, ceux qui portent des mentions injurieuses pour des candidats, ceux qui ne sont pas revêtus du cachet du bureau, ceux dont les désignations ne correspondent pas à la répartition des sièges faite par l'arrêté du Chef de l'Etat, n'entrent pas en compte pour le calcul de la majorité, mais ils sont annexés au procès-verbal.

Sur les bulletins qui portent le nom d'un citoyen dont la candidature a été posée en violation du présent arrêté, le nom de ce citoyen est rayé; sur les bulletins qui portent plus de noms qu'il n'y a de candidats à élire, il est rayé à la fin du bulletin autant de noms qu'il est nécessaire pour ramener le nombre des votes du bulletin au nombre des candidats à élire; si un bulletin porte plusieurs fois le nom d'un candidat, ce nom n'est compté que pour une fois.

Le dépouillement doit être effectué d'une façon ininterrompue, et il est continué aussi longtemps qu'il est nécessaire.

Art. 44.—Le bureau prononce sur les difficultés qui s'élèvent touchant les opérations. Ses décisions sont motivées. Toutes les réclamations et décisions sont inscrites au procès-verbal, les pièces ou bulletins qui s'y rapportent sont annexés après avoir été paraphés par tous les membres du bureau.

Art. 45.—Immédiatement après le dépouillement, le résultat du scrutin est rendu public par le Président. Le bureau de vote dresse un procès-verbal des opérations rédigé en double expédition. L'un est remis au Président du bureau et l'autre transmis au Kaimakam ou au Président de la Municipalité. Dans le cas où une circonscription de vote a été divisée en plusieurs sections, les résultats partiels du scrutin sont groupés, par les soins des Présidents de bureau de section au Bureau de la circonscription de vote, qui procède à leur proclamation d'ensemble.

La décision du bureau est sans appel.

L'électeur du second degré reçoit un certificat constatant qu'il a été élu.

Art. 46.—Le Président du bureau de vote a seul la police de l'Assemblée, aucune force armée ne peut être placée dans la salle du scrutin que sur sa demande écrite. Les autorités civiles et les commandants de gendarmerie sont tenus de déférer à ses requisitions. Dans le cas où il se produirait des violences ou du tumulte, le Président peut suspendre les élections. Il peut faire arrêter et garder provisoirement, toute personne qui se serait rendu coupable d'un crime ou d'un délit; le Procureur près le Tribunal de 1ère Instance ou, à défaut, le Juge de Paix doit être prévenu sans délai; les dispositions des articles 43, 44 et 46 du présent arrêté sont applicables aux élections du second degré.

Dans le cas où le bureau a été matériellement empêché de procéder aux opérations électorales, le Président en informe le Kaimakam ou le Président de la Municipalité, qui rend compte au Mutessarif, par le moyen le plus rapide et renvoie lui-même le scrutin au surlendemain. La population en est informée par affichage immédiat.

CHAPITRE II

Déclaration de Candidature

Art. 47.—Tout citoyen qui désire se présenter au Conseil Représentatif doit souscrire une déclaration de candidature dûment légalisée. Cette déclaration est déposée, contre reçu provisoire, dans le Bureau du Mutessarif, le quinzième jour au plus tard avant le jour du scrutin. Le Mutessarif s'assure que le candidat remplit bien les conditions prescrites par l'article 21 et dans le cas de l'affirmative, il est tenu de délivrer un récépissé définitif, au plus tard cinq jours après le dépôt de la déclaration.

Toute candidature posée en violation de l'alinéa précédent est nulle.

Art. 48.—Il est interdit de signer ou d'apposer des affiches, d'envoyer ou de distribuer des bulletins circulaires, ou des professions de foi dans l'intérêt d'un candidat qui n'a pas encore fait de déclaration de candidature ou qui, d'un façon générale, ne s'est pas conformé aux prescriptions du présent arrêté.

Art. 49.—Les affiches, placards, professions de foi, bulletins de vote apposés ou distribués pour appuyer les candidatures dans une circonscription où elles ne peuvent être produites seront lacérées ou saisies.

Art. 50.—Les noms des candidats auxquels a été délivré le récépissé définitif sont successivement et sans délai portés à la connaissance des Kaimakams et Présidents de Municipalités. Un compte-rendu est adressé au Ministre de l'Intérieur. Ces noms sont affichés, aussitôt après leur réception, aux lieux accoutumés pour l'affichage des votes officiels.

CHAPITRE III

Election du Second Degré

Art. 51.—Vingt-cinq jours au plus tard avant les élections du second degré, le Chef de l'Etat fixera le jour auquel il sera procédé au scrutin pour ces élections, ainsi que les heures d'ouverture et de clôture. Ces dispositions, et celles qui sont prévues par l'article 31 ci-dessus, peuvent faire l'objet d'un seul et même arrêté, les deux délais impartis pouvant partir de la même date.

Les électeurs du second degré doivent recevoir officiellement notification de cet arrêté.

Art. 52.—Ils se réunissent au jour et à l'heure fixés, au Chef-lieu de la circonscription électorale.

Le bureau de vote des Nomades de la Mouvance de Deir est fixé à Deir-ez-Zor. Celui des Nomades de la Mouvance d'Alep à Aboudouhour et celui des Nomades de la Mouvance de Damas à Karyatein.

Le Kaimakam ou le Président de la Municipalité, convoque pour ce jour la Commission de la révision des listes qui se constitue, sous sa présidence, en bureau de vote. Chaque électeur reçoit un bulletin de vote revêtu du cachet de la Commission. Il y inscrit autant de noms qu'il est prévu de membres à élire pour la circonscription en se conformant aux dispositions de l'article 5.

Art. 53.—Le scrutin n'est valable que si les 8/10 des électeurs du 2ème degré ont pris part au vote. Dans ce cas, un candidat, pour être élu, doit obtenir la majorité absolue des suffrages, sinon il est procédé à un nouveau tour de scrutin et la majorité relative suffit.

Si au contraire les 8/10 des électeurs n'ont pas pris part au vote, l'urne est scellée par le Kaimakam, ou le Président de la Municipalité, en présence des membres du bureau et conservée dans un local dont les issues seront scellées et gardées.

Le Kaimakam ou le Président de la Municipalité convoque d'urgence les électeurs défaillants pour le 3ème jour qui suit celui du scrutin.

A l'expiration de ce délai, le scrutin est définitivement clos, il est procédé au dépouillement et l'élection est acquise à la majorité relative.

Les candidats ou leurs représentants peuvent assister au dépouillement du scrutin.

Tout électeur du second degré qui n'aura pas pris part au vote sera passible d'une amend de 1 à 2 £.S. or, à moins qu'il ne justifie d'une cause d'empêchement reconnue valable.

Art. 54.—Si deux ou plusieurs candidats ont obtenu le même nombre de voix, le plus âgé est déclaré élu.

Art. 55.—Le procès-verbal des opérations électorales est établi en trois exemplaires et signé de tous les membres du bureau.

Le Kaimakam ou le Président de la Municipalité transmet un exemplaire au Ministre de l'Intérieur, un autre au Vali ou au Mutessarif et conserve le troisième.

Art. 56.—Le troisième jour qui suit celui de la cessation des opérations électorales—compte tenu de l'éventualité prévue à l'article 53—se réunit à Damas, à Alep et à Alexandrette, une Commission composée, dans chacun de ces trois centres, des membres de droit du Conseil Administratif du lieu et comprenant obligatoirement les chefs religieux musulmans et, parmi les non musulmans, trois chefs religieux dont un pour les communautés catholiques, un pour les communautés orthodoxes et un, le cas échéant, pour les Israélites.

Le ressort territorial de la Commission d'Alep s'étend au vilayet d'Alep et au Sandjak de Deir-ez-Zor, celui de la Commission d'Alexandrette au Sandjak d'Alexandrette, celui de la Commission de Damas au reste de l'Etat.

Le Ministre de l'Intérieur à Damas, le Vali à Alep, le Mutessarif à Alexandrette remettent à chaque Commission les procès-verbaux des collèges électoraux du second degré de son ressort, qui leur auront été expédiés de Deir pour Alep, de Homs, Hama et Deraa, pour Damas au moyen d'un courrier spécial, par les Mutessarifs mis en possession comme il est dit à l'article 55 "in fine".

La Commission procède à la vérification de ces documents et établit immédiatement un procès-verbal de cette vérification qu'elle transmet sans aucun délai au Ministre de l'Intérieur.

Cinq jours au maximum après la réception au Ministère de l'Intérieur des procès-verbaux de vérification, la proclamation du résultat des élections au Conseil Représentatif est faite par le Chef de l'Etat, qui en prescrit et en fait assumer immédiatement l'affichage dans chaque circonscription électorale.

Art. 57.—Le Conseil Représentatif statue lui-même sur la validité de l'élection de ses membres. Les réclamations contre ses élections doivent être déposées dans les bureaux du Kaimakam ou du Président de la Municipalité, dans un délai de 3 jours après l'affichage des résultats. Il en est donné récépissé. Ces réclamations sont immédiatement transmises par le Kaimakam ou le Président de la Municipalité, avec ses observations et par l'intermédiaire du Ministre de l'Intérieur au Chef de l'Etat.

Celui-ci les adresse au doyen d'âge du Conseil Représentatif faisant provisoirement fonction de Président de ce Conseil.

Art. 58.—Si le Chef de l'Etat estime que les conditions et les formes prescrites par le présent arrêté ou par les règlements en vigueur n'ont pas été observées, il peut également transmettre au Président du Conseil Représentatif une demande d'invalidation d'un membre qui doit être discutée.

Art. 59.—Dans le cas où l'annulation de tout ou partie des élections a été prononcée, les électeurs des circonscriptions intéressées sont convoqués dans un délai qui ne peut dépasser 4 mois à dater de l'annulation.

CHAPITRE IV

Déchéance, démissions et renouvellement partiels

Art. 60.—Tout membre du Conseil Représentatif qui, pour une cause survenue postérieurement à son élection, se trouve dans un des cas prévus par l'article 16, ou se trouve dans un des cas prévus par l'article 17, ou se trouve frappé d'une des incapacités qui font perdre la qualité d'électeur, doit être déclaré déchu de son mandat par le Conseil Repréprésentatif.

Art. 61.—Lorsqu'un membre du Conseil Représentatif aura manqué à une session ordinaire sans excuses légitimes admises par le Conseil, il doit être déclaré démissionnaire par le dit Conseil dans la dernière séance de la session.

Art. 62.—Lorsqu'un membre du Conseil Représentatif donne sa démission, il l'adresse au Président de ce Conseil qui en donne immédiatement avis au Chef de l'Etat.

Art. 63.—En cas de vacances par décès, option, démission ou pour l'une des causes énumérées aux articles précédents, les électeurs du 2^ème^ degré doivent être réunis dans un délai qui ne peut dépasser 4 mois. Toutefois, si le renouvellement du Conseil Représentatif doit avoir lieu avant la prochaine session ordinaire de ce Conseil, il ne sera pas procédé à une élection partielle.

TITRE V.

Affichage Electoral

Art. 64.—Des affiches contenant le texte, en arabe et en français, du présent arrêté, seront fournies par le Gouvernement de l'Etat de Syrie et placardées par les soins des administrations des Vilayets, Sandjaks, Cazas et Nahiés, et par les Municipalités et les Cheiks et Moukhtars aux endroits accoutumés pour l'affichage officiel pendant la période électorale et à la porte des salles de chaque bureau de vote le jour du scrutin.

Les affiches électorales apposées pour les candidats sont dispensées du droit de timbre.

Art. 65.—Pendant la durée de la période électorale dans chaque ville ou agglomération des emplacements spéciaux sont réservés par l'administration pour l'apposition des affiches électorales. Dans chacun de ces emplacements une surface égale sera attribuée à chaque candidat ou à chaque liste de candidats.

Tout affichage relatif à l'élection même par affiches timbrées, est interdit en dehors de cet emplacement, ou sur l'emplacement réservé aux autres candidats.

Art. 66.—Aucune affiche ne peut être apposée si elle n'est signée, et si 3 exemplaires également signés par le ou les candidats, n'ont été remis douze heures au moins avant l'affichage dans les bureaux du Vali ou Mutessarif ou du Kaimakam au ressort duquel appartient la circonscription électorale où l'affichage doit avoir lieu; il sera donné récépissé du dépôt.

Chaque affiche devra porter les noms et l'adresse de l'imprimeur.

Art. 67.—Toute personne qui aura contrevenu aux dispositions de l'article 66 du présent arrêté sera punie d'une amende de 5 à 15 piastres syriennes ou par contravention. Les affiches apposées en contravention aux dispositions de ces deux alinéas seront lacérées.

En cas de récidive, les contrevenants seront punis d'une amende de 20 piastres syriennes or à 1 livre syrienne or par contravention. Il y a récidive lorsque dans les douze mois antérieurs au fait poursuivi, le contrevenant a déjà subi une condamnation pour une contravention identique.

Art. 68.—Dans le cas où les affiches, profession de foi ou circulaires apposées ou distribuées au nom d'un ou de plusieurs candidats feraient l'apologie d'un fait qualifié crime ou délit par la loi, ou contiendraient des excitations à l'accomplissement d'un crime ou d'un délit, elles seront lacérées ou saisies, sans préjudice des poursuites contre les auteurs ou imprimeurs s'il y a lieu.

Titre VI.

Art. 69 à 96.

AMENDMENT TO THE ELECTORAL LAW OF SYRIA

Arrêté No. 1922 du 21 avril 1928

Art. 1.—Pour les circonscriptions électorales formées par la réunion de deux cazas en vertu du paragraphe 2 de l'art. 2 de l'arrêté 1889 du 20 mars 1928, les Vali et Mutessarifs pourront en vue des élections de second degré constituer une section de vote au chef-lieu de celui de deux cazas intéressés où ne siégera pas le bureau de vote de la circonscription électorale.

Art. 2.—Les Vali et Mutessarifs sont chargés des détails d'application de cette mesure.

Art. 3.—Un procès-verbal d'ensemble des résultats du scrutin dans les différentes sections sera adressé au bureau central de vote.

Art. 4.—Le Secrétaire Général du Haut-Commissariat, le Président du Conseil des Ministres de l'Etat de Syrie et le Délégué du Haut-Commissaire auprès de l'Etat de Syrie, sont chargés chacun en ce qui le concerne, de l'exécution du présent arrêté.

FRANCO-TURKISH ARRANGEMENT OF JUNE 23, 1939 ARRANGEMENT FOR THE FINAL SETTLEMENT OF TERRITORIAL QUESTIONS BETWEEN TURKEY AND SYRIA[1]

PREAMBLE

The President of the French Republic and the President of the Turkish Republic,

Having regard to the provisions set forth in Article 7 of the Agreement of October 20th, 1921, and in the letter supplementary to Articles 7 and 8 of that Agreement,

Being convinced of the importance attaching to a territorial settlement which, by finally determining the frontier between Syria and Turkey, will have the effect of removing all possibility of misunderstanding between the two countries and, thereby, of placing their mutual relations on a sound basis,

Have appointed as their plenipotentiaries: . . .

Who, having exchanged their powers and found them in good and due form, have agreed upon the following articles:

Article 1.

France, in so far as she is concerned, consents to the line described in the Protocols of May 30th, 1926, June 22nd, 1929, and May 3rd, 1930, being rectified:

(a) From the point where the Kara-Sou crosses the present frontier as far as the boundary pillar bearing the number 230, so as to coincide with the boundary of which the delimitation on the ground is recorded in the Protocol signed at Antioch on May 19th, 1939, it being understood that the village of Guemid between pillars 17 and 20 will be entirely allotted to Turkey and that from pillar No. 224 the line will run direct to pillar No. 230, leaving in Turkish territory the road from Yeni Chéhir to Antioch;

(b) And from the pillar bearing the number 419 following a line running in a north-easterly direction to a point about 1,200 metres south-west of Askorane, and from that point, passing to the east of Askorane and Godja Qairaq, it will run northwards to a point situated about one kilometre north-east of Godja-Qairaq.

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[1] For all references to earlier agreements, protocols, etc., cf. *Organic Regulations of the Sanjak of Alexandretta.* (C.352.1930.VI.) (C.P.M.1075.) (*Series of League of Nations Publications*.VI.A.Mandates.1930.VI.A.3.) pp. 24-25; *Questions of Alexandretta and Antioch.* (C.538.M.348.1936.) (*Series of League of Nations Publications*.General.1936.8); "Settlement of Question of Alexandretta and Antioch." *Monthly Summary of the League of Nations.* January, 1937. pp. 2-4; *Collection of Texts Concerning the Sanjak of Alexandretta.* (C.282.M.183.1937.)—Ed.

From that point the line will run in a westerly direction to a point situated about one kilometre north of the ruined castle and will then run to the south-west as far as point 1010 (west of the ruined castle); it will then follow in a south-westerly direction the bottom of the ravine to the north of Bachourte which opens out towards the stream of Kara-Dourane and will then follow that stream as far as the sea.

In the three sectors specified above, the Commission which completed its operations on May 19th, 1939, will be given the duty of determining the new line on the ground.

The territories situated beyond the line thus described will be evacuated by the French forces by July 23rd, 1939, at latest, by which date there will also be completed the transference by the French authorities of the powers remaining in their hands.

Article 2.

Citizens of the Sanjak of Alexandretta established in the territories referred to in the last paragraph of Article 1 will *ipso facto* acquire Turkish nationality.

Article 3.

Persons over 18 years of age who under Article 2 acquire Turkish nationality shall be entitled, within a period of six months from the coming into force of the present Arrangement, to opt for Syrian or Lebanese nationality.

Persons desiring to exercise the right provided for above shall deliver a declaration to that effect to the administrative authority of their place of residence. An acknowledgment shall be issued to them. The list of optants shall be communicated at as frequent intervals as possible to the French consular authority.

Article 4.

Persons who have exercised the right to opt in accordance with the provisions of Article 3 must, within the succeeding eighteen months, transfer their place of residence out of Turkey.

They must liquidate their immovable property and they will be entitled to dispose of or take with them their movable property of every description and also their live-stock.

The proceeds of the liquidation referred to above shall be paid into a blocked account in the Central Bank of the Turkish Republic at Alexandretta and shall, in regard to the method of their transfer, be the subject of a special Arrangement between the French and Turkish Governments.

Any sums in currencies other than Turkish currency that may be in the possession of the persons referred to in the first paragraph of the present article may be exported in accordance with the arrangements provided for in the *procès-verbal* annexed to the present Arrangement.

Article 5.

For the purposes of the provisions embodied in Articles 2, 3 and 4, the status of a married woman will be governed by that of her husband, and the status of children under 18 years of age by that of their parents.

Article 6.

The French Government shall have the right to appoint a custodian for the maintenance and protection of the military cemetery of Alexandretta, which is situated on land belonging to the French State and which shall be maintained in its present condition.

Article 7.

Turkey recognises as constituting the definitive boundary of her territory the line described in the Convention of May 30th, 1926, the Protocol of June 22nd, 1929, and the Protocol of May 3rd, 1930, as rectified in virtue of the present Arrangement.

Accordingly, Turkey condemns any action of such a kind as to infringe the territorial integrity or endanger or compromise the internal tranquillity of Syria or such as might conduce to the same ends, and she undertakes to prohibit and, should occasion arise, to suppress and punish in her territory any action of this nature.

Article 8.

No provision of earlier treaties and agreements may be interpreted as being contrary to the undertakings embodied in Article 7.

Article 9.

The High Contracting Parties shall, in the case of France in Syrian territory and in the case of Turkey in her own territory, take all measures of such a kind as to prevent the preparation or perpetration of acts directed against the respective security or regime of the two neighboring countries.

Article 10.

With a view to making possible the conclusion of a new agreement, the Convention of Friendship and Good Neighbourly Relations, dated May 30th, 1926, and the agreements supplementary thereto shall continue in force until March 15th, 1940.

The provisions of the above-mentioned instruments shall be valid in respect of the whole of the Turkish-Syrian frontier as determined by the Protocols of May 30th, 1926, June 22nd, 1929, and May 3rd, 1930, and by the rectification provided for in the present Arrangement.

It is, however, understood that the provisions relating to rights of pasturage and change of pasture are deemed to be annulled.

Article 11.

The present Arrangement shall be ratified and the instruments of ratification shall be exchanged at Paris as soon as possible and at latest by July 22nd, 1939. It shall enter into force on the date on which the exchange of ratifications takes place.[1]

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[1] This Arrangement is followed by a Protocol, two Annexes, a *procès-verbal*, and an exchange of letters.—Ed.

Transjordan

PAGES

1. Mandate. Article 25 of the Mandate for Palestine. Memorandum by the British Representative Relating to Its Application to Transjordan. Approved by the Council of the League of Nations on September 16, 1922 302-303

   League of Nations, Geneva, 1926. (C.P.M.466.) p. 7.

2. Organic Law of Transjordan—April 16, 1928 303-315

   British and Foreign State Papers, vol. 128 (1928, Part I), H.M. Stationery Office, London, pp. 258-268.

3. Legislative Council Electoral Law—August 15, 1928 315-324

   The Legislation of Transjordan 1918-1930, compiled by C. R. W. Seton. London, 1931, pp. 248-266.

4. General Administration of Wilayets (Amendment) Law—December 1, 1928. Promulgated with amendments March 5, 1929 324-326

   The Legislation of Transjordan 1918-1930, pp.1-3.

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5. Agreement Between His Britannic Majesty and the Amir of Trans-Jordan—February 20, 1928, as amended by the Supplementary Agreements of June 2, 1934, and of July 19, 1941 327-332

   Treaty Series No. 7 (1930). Cmd. 3488, Cmd. 4661 and Cmd. 6323. H.M. Stationery Office, London.

6. Treaty of Alliance Between His Britannic Majesty and the Amir of Trans-Jordan—March 22, 1946 333-338

Trans-Jordan No. 1 (1946). Cmd. 6779. H.M. Stationery Office, London.

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ARTICLE 25 OF THE MANDATE FOR PALESTINE[1]

MEMORANDUM BY THE BRITISH REPRESENTATIVE RELATING TO ITS APPLICATION TO TRANSJORDAN

APPROVED BY THE COUNCIL ON SEPTEMBER 16TH, 1922[2]

Article 25 of the Mandate for Palestine provides as follows:

"In the territories lying between the Jordan and the eastern boundary of Palestine as ultimately determined, the Mandatory shall be entitled, with the consent of the Council of the League of Nations, to postpone or withhold application of such provisions of this Mandate as he may consider inapplicable to the existing local conditions, and to make such provision for the administration of the territories as he may consider suitable to those conditions, provided no action shall be taken which is inconsistent with the provisions of Articles 15, 16 and 18."

2. In pursuance of the provisions of this article, His Majesty's Government invite the Council to pass the following resolution:

"The following provisions of the Mandate for Palestine are not applicable to the territory known as Transjordan, which comprises all territory lying to the east of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk: thence up the centre of that river to the Syrian frontier."

Preamble—Recitals 2 and 3.

Art. 2. The words "placing the country under such political administration and economic conditions as will secure the establishment of the Jewish National Home, as laid down in the Preamble, and".

Art. 4.

Art. 6.

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[1] See Mandate for Palestine, pp. 209 ff., and Article 22 of the Covenant of the League of Nations, pp. 396-397.

[2] See Minutes of the Twenty-first Session of the Council. League of Nations. *Official Journal*, November 1922, p. 1188.—ED.

Art. 7. The sentence "there shall be included in this law provisions framed so as to facilitate the acquisition of Palestinian citizenship by Jews who take up their permanent residence in Palestine".

Art. 11. The second sentence of the first paragraph and the second paragraph.

Art. 13.

Art. 14.

Art. 22.

Art. 23.

In the application of the Mandate to Transjordan, the action which, in Palestine, is taken by the Administration of the latter country will be taken by the Administration of Transjordan under the general supervision of the Mandatory.

3. His Majesty's Government accept full responsibility as Mandatory for Transjordan, and undertake that such provision as may be made for the administration of that territory in accordance with Article 25 of the Mandate shall be in no way inconsistent with those provisions of the Mandate which are not by this resolution declared inapplicable.

ORGANIC LAW OF TRANSJORDAN

April 16, 1928[1]

Introduction

1. This law shall be called "The Organic Law of Transjordan", and its provisions shall apply to the whole independent country of Transjordan.

2. Amman shall be considered the capital of Transjordan, but the capital may be changed by a special law to another place.

3. The Transjordan flag shall be of the following form and dimensions:—

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[1] "Official Gazette," No. 188, April 19, 1928; see also Cmd. 3069 (1928). H.M. Stationery Office, London.—Ed.

Its length shall be double its breadth, and it shall be divided horizontally into three parallel and equal strips, the uppermost being black, the centre white, and the lowest green. It shall have superimposed at the flagstaff end a red triangle, of which the base shall be equal to the breadth of the flag and the altitude equal to half the length of the flag. In the triangle shall be a white seven-pointed star of such a size that it may be contained within a circle of which the diameter is one-fourteenth the length of the flag, and so placed that its centre is at the intersection of the lines bisecting the angles of the triangle, and the axis through one of its points is parallel to the base of the triangle.

Part I. Rights of the People

4. Transjordan nationality shall be determined and acquired and lost in accordance with a special law.

5. There shall be no difference in rights before the law among Transjordanians, although they may differ in race, religion and language.

6. The personal freedom of all dwellers in Transjordan shall be safeguarded from aggression and interference, and no person shall be arrested or detained or punished or forced to change his residence or submitted to bonds or compelled to serve in the army except in accordance with law. All dwelling-houses shall be safe from aggression, and no entry therein shall be permitted except in the circumstances and in the manner prescribed by law.

7. The courts are open to all, but no person shall be forced to submit to a court other than the court having jurisdiction in his case except in accordance with law.

8. The rights of ownership shall be safeguarded, and there shall be no forced loan or confiscation of movable or immovable property, except in accordance with the law. Compulsory or forced labour may be exacted for public purposes only. This labour shall invariably be of an exceptional character, shall always require adequate remuneration and shall not involve the removal of the labourers from their usual place of residence. The property of no person shall be expropriated except for the purpose of public utility in circumstances to be defined by law and on condition that equitable compensation is paid for it.

9. No taxation shall be imposed except by law, and taxation shall be applied to all classes.

10. Islam shall be the religion of the State, and there shall be insured to all dwellers in Transjordan complete freedom of belief and freedom to practise forms of worship in accordance with their customs unless detrimental to public safety or order or contrary to morals.

11. All Transjordanians shall be free to express and publish their opinions and to assemble together and to form and be members of associations within the provisions of law.

12. Transjordanian subjects are entitled to submit complaints or representations respecting matters concerning their persons or concerning public affairs to the Amir and the Legislative Council in such manner and under such conditions as may be prescribed by law.

13. All postal, telegraphic and telephonic communications shall be treated as secret and shall not be subject to censorship or to detention except under such terms and conditions as may be prescribed by law.

14. The various communities shall have the right to establish and maintain their schools for the teaching of their own members in their own language provided that they conform to the general requirements prescribed by law.

15. The official language shall be Arabic.

Part II. The Amirate and the Rights of the Amirate

16. Subject to the provisions herein powers of legislation and administration are vested in Amir Abdullah-ibn-Hussein and his heirs after him.

The heir-apparent shall be a male descendant of the Amir in accordance with a special law of succession to which the provisions of articles 70 and 71 of this organic law regarding variation, annulment and amendment shall apply.

The Amir shall attain his majority upon the completion of his 18th year.

Should the heir-apparent succeed to the Amirate not having attained his majority, power of legislation and administration shall be vested in a Council of Regency, the form of which shall be determined by special law.

17. The Amir shall on accession swear on oath before the Legislative Council summoned in accordance with this law that he will safeguard the constitution and be loyal to the country and nation.

18. The Amir shall be immune from liability and responsibility.

19. (1) The Amir is the head of the State. He sanctions and promulgates all laws and supervises their execution. He is not entitled to modify or suspend laws or to give dispensation in their execution, except in the circumstances and in the manner prescribed by law.

(2) The Amir concludes treaties, but His Britannic Majesty shall have power to accede, when necessary, on behalf of Transjordan to any commercial or extradition treaty or general international convention to which His Majesty is a party for Great Britain and Northern Ireland.

(3) The Amir issues orders for the holding of elections to the Legislative Council, convokes the Council, opens it, adjourns it, prorogues it and dissolves it in accordance with the provisions of the law.

20. The Amir appoints the Chief Minister and dismisses him or accepts his resignation from office. Subject to the provisions of this law and any law enacted thereunder, he appoints and dismisses all public officers.

21. There shall be for the purpose of advising the Amir an Executive Council consisting of the Chief Minister and other members not exceeding five in number who shall be appointed by the Amir on the recommendation of the Chief Minister either from among the principal officers of the administration or the elected representatives of the people.

The Executive Council is entrusted with the conduct of the affairs of Transjordan.

It shall meet under the presidency of the Chief Minister to decide as to the measures which should be taken in matters appertaining to more than one department and to investigate all important matters concerning a single department. The Chief Minister will communicate to the Amir the decisions of the Council and will ascertain his wishes in regard thereto.

22. The Amir grants and withdraws military and police ranks,

save in so far as by special law he has delegated this authority. He confers decorations and other honourable distinctions.

23. No death sentence shall be carried out except after confirmation by the Amir. Every such sentence shall be passed to him by the Executive Council with an expression of their opinion. The Amir may reduce sentences and remit them by special pardon.

24. The Amir will express his will by irade. An irade shall be issued on the recommendation of the responsible head of a department and with the concurrence of the Chief Minister, both of whom shall sign the irade.

Part III. The Legislature

25. The legislative power is vested in the Legislative Council with the Amir. The Legislative Council consist of—

(a) Representatives elected in accordance with the electoral law which shall have regard to the proper representation of minorities.

(b) The Chief Minister and other members of the Executive Council not being elected representatives.

The duration of the Legislative Council shall be for 3 years.

26. The Legislative Council shall be opened by the Amir in person or by the Chief Minister authorised to make the Amir's speech.

27. No person shall be an elected member of the Legislative Council—

(1) Who is not a Transjordanian.

(2) Who claims foreign nationality or foreign protection.

(3) Who has not completed his 30th year.

(4) Who has lost his civil rights.

(5) Who has been adjudged bankrupt and has not been discharged.

(6) Who has been placed under interdiction by a competent court and has not been released.

(7) Who has been sentenced to imprisonment for more than 1 year for an offence other than a political offence, and has not received a free pardon for the crime for which he has been sentenced.

(8) Who has a material interest, personally or otherwise, in any contract other than a contract of lease of land with a public department of Transjordan unless his interest arises through his

being a shareholder in any association composed of more than 10 persons.

(9) Who is mad or an idiot.

(10) Who is related to the Amir within such degrees of consanguinity as shall be prescribed by special law.

28. Subject to the provision for dissolution in article 19(3), the duration of the Legislative Council shall be for three ordinary sessions, one session each year beginning from the 1st November following the election; and if the 1st November is an official holiday, then from the day following.

29. The Amir shall summon the Legislative Council to assemble in the capital for the ordinary session on the 1st November of each year, subject to the provisions of article 28, and if not so summoned it shall assemble of its own accord in due course of law on the said date when its ordinary session shall begin, and this shall extend for 3 months unless the Legislative Council be dissolved by the Amir before the expiration of that period or unless the session be prolonged by the Amir for the purpose of the despatch of business of urgent nature.

If the session be prolonged then the total period of the session shall not exceed 6 months.

The Legislative Council may adjourn from time to time in conformity with its standing orders.

The Legislative Council shall further adjourn if so required to do by the Amir not more than three times during any one session for stated periods, which shall not altogether exceed a total period of one month and a half. In computing the period of the session the period covered by such further adjournments shall not be taken into account.

Notwithstanding the provisions herein, the Legislative Council may assemble in extraordinary session at any time between the date of the coming into force of this organic law and the date of the first ordinary session held under this law.

30. If the Legislative Council be dissolved, a general election shall take place and the new Legislative Council shall assemble in extraordinary session not more than 4 months after the date of dissolution. In any event this session shall be prorogued on the 31st

October so that the first ordinary session of the Legislative Council may assemble at the beginning of November.

31. Every member of the Council shall, before taking his seat, take an oath in the presence of the Council to be loyal to the Amir and to uphold the public law and the service of the country and for the due performance of the duties entrusted to him.

32. The Chief Minister when present shall preside at all meetings of the Legislative Council, and in his absence such *ex officio* member as he shall from time to time appoint for that purpose, and in default of such appointment the senior *ex officio* member of the Legislative Council present shall preside.

33. The Legislative Council shall, as soon as conveniently may be after its first meeting and from time to time afterwards as occasion may require, make standing orders for the regulation of its own proceedings and such orders shall take effect when confirmed by His Highness the Amir.

34. No business except that of adjournment shall be transacted unless there be present two-thirds of the members of the Legislative Council.

35. Unless otherwise provided by this law, a decision shall be given by the majority of votes of the members present, other than the President. The President shall not vote except in case of an equality of votes, when he shall have and exercise a casting vote.

36. The Legislative Council shall have power and authority, subject always to the treaty obligations of His Highness the Amir, to pass such laws as may be necessary for the peace, order and good government of Transjordan.

37. Every proposal for a law shall be laid before the Council by the Chief Minister or by the head of a department. The annual budget shall likewise be laid in the form of a law before the Council.

38. No law shall take effect until the Amir shall have assented thereto and signed the same in token of such assent and until it has been promulgated in the "Official Gazette."

The Amir shall, within the space of one calendar year from the date on which it is submitted to him, either assent to the bill or return it with a statement of reasons for dissent.

39. No law shall be promulgated unless a draft shall first have been made public for one calendar month at least before the enact-

ment thereof unless immediate promulgation shall, in the judgment of the Amir in Council in agreement with the accredited representative of His Britannic Majesty, be indispensably necessary in the public interest.

40. Any member of the Council may raise in the Council a question on any matter concerning the public administration.

41. If necessity should arise, when the Legislative Council is not sitting, for urgent measures to be taken for the maintenance of public order and security, or for repelling a public danger, or for urgent expenditure not sanctioned by the budget or by special law, or for the purpose of securing the fulfilment of his treaty obligations, the Amir in Council may pass ordinances directing the necessary measures to be taken.

Such ordinances, which shall not contravene the provisions of this organic law, shall have the force of law. With the exception of those passed for the purpose of securing the fulfilment of the treaty obligations of His Highness the Amir, they shall be submitted to the Legislative Council at the beginning of its session.

If the Legislative Council shall not in two successive ordinary sessions accept any such ordinances so submitted the Government shall notify the cessation thereof and from the date of such notification the ordinance shall cease to be in force.

Throughout this organic law the expression "law" or "laws" shall include an ordinance or ordinances passed by virtue of the provisions of this article unless there is anything in the text of this organic law repugnant thereto.

Part IV. The Judicature

42. Civil and Shari' judges shall be appointed by irade and shall be irremovable except as provided by the provisions of a special law dealing with their qualifications, appointment, grades and the manner of their conduct.

43. The courts shall be divided into three classes:—

(1) Civil courts.
(2) Religious courts.
(3) Special courts.

44. Subject to the provisions of this organic law, the constitution,

place of sitting, grades and divisions of all courts and their jurisdiction and administration shall be determined by special laws.

45. All courts shall be free from interference.

46. All trials shall be public except where, for reasons to be prescribed by law, courts may sit *in camera.*

It shall be lawful to publish the proceedings and judgments of courts, except proceedings *in camera.*

All judgments shall be issued in the name of the Amir.

47. The civil courts shall have jurisdiction over all persons in Transjordan in all matters civil and criminal, including cases of claims by and against the Transjordan Government, except in such matters which by the provisions of this organic law or of any law for the time being in force shall be assigned to the jurisdiction of the religious courts or special courts.

48. (1) The civil and criminal jurisdiction of the civil courts shall be exercised in accordance with the law for the time being in force:

Provided that, in matters regarding the personal status of foreigners or in other matters of a civil and commercial nature in which it is customary by international usage to apply the law of another country, such law shall be applied in a manner to be prescribed by law.

(2) Effect shall be given by law to any agreement concluded by the Amir under the provisions of this organic law in regard to any judicial proceedings by or against foreigners.

49. The religious courts shall be divided into:—

(a) Moslem courts.
(b) Religious community councils.

50. The Moslem courts shall have exclusive jurisdiction in matters of the personal status of Moslems in accordance with the provisions of the law of procedure of the Moslem religious courts of the 25th October, 1333 A.H., as amended by any law, ordinance, or rules; and matters connected with the constitution or internal administration of a Waqf constituted for the benefit of Moslems before a Moslem religious court.

Where a matter of personal status concerns both Moslems and non-Moslems, or where one of the parties in an action concerning a Moslem Waqf is a non-Moslem, the civil courts shall have jurisdiction unless all parties consent to the jurisdiction of the Moslem courts.

The Moslem courts shall also have jurisdiction in applications for *diyet* where all the parties are Moslems or where all the parties consent to the jurisdiction of the said courts.

For the purpose of this organic law, matters of personal status mean suits regarding marriage or divorce, alimony, maintenance, guardianship, legitimation and adoption of minors, inhibition from dealing with property of persons who are legally incompetent, succession, wills and legacies and the administration of the property of absent persons.

51. The jurisdiction of the Moslem courts shall be exercised in conformity with the principles of Shari' law.

52. The religious community councils shall comprise such councils of religious communities, not Moslem, as shall be established and invested with judicial power under the authority of special laws.

53. The religious community councils shall have—

(1) Exclusive jurisdiction in matters of marriage, dowry, divorce, alimony, maintenance between husband and wife, and the attestation of wills so far as concerns the members of their communities other than foreigners, except in regard to those matters which come within the jurisdiction of the civil courts.

(2) Jurisdiction in any other matters of personal status concerning members of the communities if all parties concerned agree.

(3) Exclusive jurisdiction in matters connected with the constitution and administration of Waqfs for the benefit of their communities.

54. The procedure to be followed and the fees to be levied by the religious community councils shall be determined by special law. A special law shall also regulate inheritance, testamentary procedure and such matters of personal status as lie outside the exclusive jurisdiction of the said councils.

55. Special courts shall exercise jurisdiction only in accordance with law.

PART V. ADMINISTRATION

56. The manner of the appointment and dismissal of all public officers and the administrative divisions of Transjordan, their classes and names and the manner of their administration and the juris-

diction of their officers and their nomenclature shall be prescribed by law.

57. The municipal affairs of the cities and towns of Transjordan shall be administered through municipal councils in accordance with a special law.

Part VI. Validation of Laws and Judgments

58. Except in so far as they may have been amended or repealed by the proclamations, rules and laws mentioned in the succeeding articles, the Ottoman laws promulgated on or before the 1st November, 1914, and the laws which were promulgated after that date and declared by public notice to be in force and have remained in force up to the date of this law shall remain in force, as far as circumstances permit, until the legislative authority established by this organic law shall repeal or alter them.

59. All legislative acts done by the constituted authority in Transjordan since the 23rd September, 1918, shall be deemed to be and always to have been valid and of full effect until repealed or superseded by the legislature established under this organic law and all prohibitions contained therein shall be deemed to be valid.

60. All acts referred to in the two preceding articles shall be presumed to have been done or directed to have been done in good faith unless proof to the contrary is brought by the party complaining, and any action or other legal proceedings against any person in respect of such acts shall be discharged and become null and void unless the party complaining shall bring proof as aforesaid.

Part VII. General

61. The organisation and the financial and other administration of the affairs of the Moslem Waqfs shall be prescribed by special law. The Department of Waqfs shall be considered to be one of the departments of Government.

62. No tax shall be imposed except by law, provided that this shall not apply to income which may be received by Government departments in return for public services or for the enjoyment of Government property.

63. All receipts from taxes and all receipts from grants or leases

of public lands or mines or minerals shall be paid into the Public Treasury unless the law otherwise provides.

64. No part of the fund in the Public Treasury shall be appropriated for pay, compensation or other expenditure except by law and nothing shall be expended out of such appropriations except in manner provided by law.

65. The appropriation for each year shall be sanctioned by an annual law which shall include therein the estimates of revenue and expenditure for that year.

66. The civil list of the Amir shall be a charge on the revenues and shall be sanctioned in the said annual law.

67. (1) All rights in or in relation to any public lands shall vest in and may be exercised by the Amir in trust for the Transjordan Government.

(2) All mines and minerals of every kind and description whatsoever being in, under or on any land or water whether territorial waters, river or inland sea shall vest in the Amir subject to any right subsisting at the date of this organic law of any person to work such mines or minerals by virtue of a valid concession.

68. The Amir in Council may make grants or leases of any such public lands or mines or minerals or may permit such lands to be temporarily occupied on such terms or conditions as he may think fit subject to the provisions of this organic law:

Provided that no such grant, leave or other disposition shall be made otherwise than in conformity with law.

69. In the event of disturbances occurring or should there be indications of anything of that nature in any part of Transjordan, or in the event of danger of hostile attack on any part of Transjordan, the Amir in Council shall have power to proclaim martial law in a temporary measure in all such parts of Transjordan as may be affected by such disturbances or attack.

The ordinary law of the State may be temporarily suspended in such district or districts as may be named and to such an extent as may be specified in any such proclamation, provided that all persons shall be and remain legally liable in respect of all acts done by them in pursuance of such proclamation unless and until they shall have been indemnified by special law passed for that purpose.

The method of administration of districts proclaimed to be under martial law shall be proclaimed by irade.

70. The Amir may by proclamation at any time within 2 years from the date of the commencement of this organic law, and subject to his treaty obligations, vary, annul or add to any of the provisions of this organic law in order to carry out the purposes of the same, and may provide for any other matters necessary in order to carry into effect the provisions thereof.

71. After such period of 2 years and subject always to the treaty obligations of His Highness the Amir, no change may be made in this organic law except by a law passed by a majority of not less than two-thirds of the members of the Legislative Council.

72. This organic law shall enter into force from the date at which the Amir assents thereto.

LEGISLATIVE COUNCIL ELECTORAL LAW

August 15, 1928[1]

1. This Law may be cited as the Legislative Council Electoral Law, 1928.

2. In this Law "Bedouin" shall mean a member of any of the nomadic tribes.

For the purpose of this Law Bedouins shall be divided into two divisions, namely, the Bedouins of the North and the Bedouins of the South. The Bedouins of the North are the Beni Sukhr, el Sirhan, Beni Khalid, el Issa and el Sleit, and tribes and sub-tribes under their protection, and the Bedouins of the South are el Howeitat, el Mannaiyoun and el Hajaya, and tribes and sub-tribes under their protection.

"Member" shall mean member of the Legislative Council.

"Registering Officer" shall mean the official appointed to register the names of voters.

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[1] Published as a bill in Gazette No. 195, dated June 20, 1928, and promulgated as a law in Gazette No. 199, dated August 15, 1928.

3. There shall be sixteen elected members of the Legislative Council; fourteen members shall be elected in the manner prescribed in Part I of this Law, and two members shall be elected in the manner prescribed in Part II of this Law.

4. Every male Transjordanian who has completed his thirtieth year shall be eligible for election as member unless he:—

(a) has lost his civil rights;

(b) claims foreign nationality or foreign protection;

(c) has been adjudged bankrupt and has not been discharged;

(d) has been placed under interdiction by a competent Court and has not been released;

(e) has been sentenced to imprisonment for more than one year for an offence other than a political offence, and has not received a pardon for the crime for which he has been sentenced;

(f) holds any office of profit under the Transjordan Government;

(g) has a material interest, personally or otherwise, in any contract, other than a contract of lease of land, with a public department of Transjordan, unless his interest arises through his being a shareholder in any association composed of more than ten persons;

(h) is mad or an idiot.

Part I

5. *(as amended by Legislative Council Electoral Amendment Law, 1928, section 2. Published in Gazette No. 208, dated 15th November, 1928)* The Amara shall be divided into three electoral districts, namely: Belqa, Ajloun, and Kerak.

Belqa shall return five Moslem members, two of whom shall be Circassians, and a sixth member, who shall be a Christian.

Ajloun and Kerak shall each return three Moslem members and one Christian member.

For the purposes of this Law, the Liwa of Ma'an shall be included in the Kerak District and the Muhaffezieh of Amman and the town of Jerash shall be included in the Belqa district.

6. The election of members shall be conducted by primary and secondary elections. Primary election shall consist of the election of the voters, as hereinafter defined, as secondary electors; and secondary election shall consist of the election of members by secondary electors.

7. Every male Transjordanian, not being a Bedouin, who has completed the eighteenth year of his age, shall be entitled to vote at the primary election, unless he be a person who:—

(a) has lost his civil rights;

(b) claims to be under foreign protection;

(c) has been declared to be a bankrupt, and has not been discharged;

(d) has been placed under interdiction by a competent Court, and has not been released;

(e) has been sentenced to imprisonment for more than one year for an offence involving moral turpitude and has not received a pardon for the crime for which he has been sentenced;

(f) is mad or an idiot.

8. For the purpose of primary election every electoral district shall be divided into voting areas and the voters within such areas shall be entitled to elect a number of secondary electors to be determined on the basis that every 200 primary electors shall elect one secondary elector; provided that if any village, quarter, or locality has between 150 and 200 primary electors it shall be entitled to vote for one secondary elector; if it has between 350 and 400 primary electors it shall be entitled to vote for two secondary electors, and the same principle will be maintained where the number of primary electors exceeds 400.

The limits of each voting area shall be determined by the Chief Minister and shall be published in the Official Gazette; the number of the secondary electors for each voting area shall likewise be published.

9. The Chief Minister shall appoint for each electoral district one or more Registering Officers who shall prepare a register of voters for the primary elections; and a Revising Officer who shall have the functions hereinafter described. The Registering Officer may summon the President of any Municipal Council in the district, the Mukhtars of the villages and quarters of towns, the Sheikhs of the tribes, and the Heads of religious communities to assist in the preparation of the register.

The register shall be arranged according to the villages, quarters or localities in which the voters reside, and the names of the voters in each village, quarter, or locality shall be numbered consecutively and arranged alphabetically. The Register shall show:—

(a) the name of each voter in full;
(b) the trade or occupation of the voter;
(c) his place of abode;
(d) his estimated age.

The Executive Council may issue regulations regarding the preparation of the register in any other respect, and for its publication in the districts, and may from time to time make provision for the revision of the register.

No person, for the purpose of the primary or secondary elections, shall be entitled to exercise more than one vote and no elector at the primary elections shall exercise a vote in respect of more than one voting area.

10. (1) As soon as the register of each electoral district is completed, the Registering Officer shall forward it to the Revising Officer, who shall, not later than fourteen days from the receipt of the register, publish it by causing to be posted in some conspicuous place in every village, quarter, and locality within the district a copy of those parts of the register which contain the names of persons resident in such village, quarter, and locality, together with a notice specifying the time and place appointed for the revision and final settlement of the register for the district, and calling on all persons who are entitled to vote and whose names are not included in the register, and all persons who object to the insertion of the name of any voter, to attend and make such claim or objection at the time and place appointed.

(2) Every such extract from the register and every such notice shall remain posted for not less than fourteen days before the time appointed for the revision of the register.

11. (1) *(as amended by the Legislative Council Electoral Amendment Law, 1928, section 3)* The Revising Officer shall revise the Register, and appeal shall lie from his decision in any case to the Court of first Instance, whose judgment shall be final.

(2) All persons making claims or objections, as well as all persons whose names are objected to, may appear in person or by agent or advocate before the revising officer, and may give and produce evidence with respect to any such claim or objection.

(3) The Registering Officer for any village, quarter or lo-

cality shall be present at the revision, and may likewise give and produce evidence.

(4) The revised register of voters for every district shall be kept at the office of the District Governor and shall be open to inspection at all reasonable times.

12. Any person may be elected as a secondary elector provided he is on the register of primary electors for the district.

13. The Executive Council may issue regulations providing for the appointment and duties of returning officers at the primary elections, and for determining the time and place for holding elections, and the manner in which elections shall be conducted, and the manner in which the votes shall be given and the result ascertained, and for all other matters necessary to the orderly and impartial conduct of elections.

14. The Chief Minister shall by notice in the Gazette appoint a day on which the secondary electors shall meet for the purpose of electing members of the Legislative Council.

The election shall be conducted in such manner as may be prescribed by regulations issued by the Executive Council.

15. No person shall be eligible as a member who has not been nominated by five duly qualified secondary electors; the nominations shall be in writing and shall be delivered at the time appointed for the election to the returning officer by the candidate himself or by one of his nominators.

PART II

16. Two members shall be elected to represent the Bedouins of the Amara. His Highness the Amir shall by proclamation published in the Official Gazette appoint from the Bedouins of the North and the Bedouins of the South respectively two Commissions, each composed of ten Sheikhs. Each Commission shall elect one member.

17. The Chief Minister shall by notice in the Official Gazette appoint a day on which the Commissions shall meet for the purpose of electing members and the election shall be conducted in such manner as may be prescribed by regulations issued by the Executive Council.

General

18. (1) Any elected member of the Legislative Council may resign his seat by writing under his hand addressed to the Chief Minister, and upon the receipt of such resignation the seat of such member shall become vacant.

(2) The secondary electors or the Commission of the Sheikhs, as the case may be, who elected the member resigning shall be convened by notice in the Official Gazette, and shall elect a member in his place.

19. If any member of the Legislative Council shall die or be absent, except on the grounds of illness, from the sittings of the Legislative Council for the whole of any session without the leave of the Council, or shall adhere or make any declaration or acknowledgment of allegiance to any foreign state or power, or shall do, concur in, or adopt any act whereby he may become the subject or citizen of any such state or power, or shall become subject to any disqualification mentioned in section 4, the Chief Minister shall declare his seat to be vacant, and shall direct an election to be held to fill the vacancy in the manner prescribed in the preceding section.

20. The Electoral Law dated 9th December, 1923, published as a supplement to the Official Gazette No. 52, and its amendments, are repealed.

ADDENDUM TO THE LEGISLATIVE COUNCIL ELECTORAL LAW[1]

1928

1. This Law may be cited as the Addendum to the Legislative Council Electoral Law, 1928.

2. Every person who directly or indirectly, by himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers any money or any other thing, or offers any office, place or employment to or for any voter in order to induce him to vote or refrain from voting, or every voter who, before or during any election, directly or indirectly, by himself or by any other person on his behalf, receives or contracts for any money, loan or other thing, office, place or employment for himself or for any other per-

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[1] Published in Gazette No. 201, dated September 9, 1928.

son in consideration of voting or agreeing to vote or refraining or agreeing to refrain from voting at any election, or who, after any election directly or indirectly, receives any money or thing or office or employment on account of any person having voted or refrained from voting or having induced any other persons to vote or refrain from voting at an election, shall upon conviction by a Court of First Instance be liable to imprisonment for a term not exceeding one year or to a fine not exceeding £P200, and, further, shall not be capable, during a period of six years from the date of such conviction, of being registered as an elector or voting at any election in Transjordan, or holding any public or judicial office; and if he holds any such office at the date of his conviction the office shall be vacated.

3. Any person who directly or indirectly, by himself or by any other person on his behalf, makes use or threatens to make use of any force, violence, or restraint, or inflicts or threatens to inflict any temporal or spiritual injury, damage, or loss upon or against any person in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting, at any election, and any person who by fraud or duress succeeds in misleading or preventing the free exercise of the right of voting by any elector, shall be subject to the penalties prescribed in the preceding section.

4. Every person who at any election applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person, and every person who, having voted once at an election, applies at the same election for a ballot paper in his own name, and every person who is an accessory to such offence, shall be liable on conviction by a Court of First Instance to imprisonment for a period not exceeding two years, and shall further suffer the loss of civil rights prescribed in section 2.

5. Every person who before or during an election, for the purpose of affecting the return of any candidate at such election, makes or publishes any false statement of fact in relation to the personal character or conduct of the candidate, shall be liable, on conviction by a Magistrate, to a fine not exceeding £P100, and shall be incapable, during a period of six years from the date of his conviction, of being registered as an elector or voting at an election.

6. Every person who forges or fraudulently defaces or destroys

any nomination paper, or delivers to the Returning Officer any nomination paper knowing it to be forged, or who forges or fraudulently defaces or destroys any ballot paper or the official signature on any ballot paper, or without due authority supplies a ballot paper to any person, or who fraudulently puts into a ballot-box any paper other than a ballot paper which he is authorized by law to put in, or fraudulently removes or without due authority destroys, takes, or opens any ballot-box or packet of ballot papers in use for the purpose of the election, shall be liable, on conviction by a Court of First Instance, to imprisonment for a period not exceeding six months. If the offender is a Returning Officer or an officer or clerk engaged in the election, the term of the imprisonment may be extended to two years.

7. Every person who infringes the secrecy of the ballot shall be liable, on conviction by a Court of First Instance, to imprisonment not exceeding six months.

8. Every person who misconducts himself at the polling station or fails to obey the orders of the Presiding Officer may upon the order of the Presiding Officer be removed from the polling station, and shall not, except with the permission of the Presiding Officer, be allowed to re-enter the polling station during the election.

LEGISLATIVE COUNCIL ELECTORAL LAW

1928

SECOND ADDENDUM[1]

Whereas a number of persons in the Muhaffezieh of Amman and the town of Jerash who are entitled to be registered as voters have failed to make the declaration required before the Registering Officer within the prescribed period, and, in consequence, their names have not been entered in the Electoral Register; and

Whereas the said persons are desirous of being registered as voters and have petitioned the Government to grant them further facilities for registration; and

Whereas it is desirable in the public interest that as many persons shall take part in the elections as may be possible in order that the Legislative Council may be fully representative of all the inhabitants of the country;

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[1] Published in Official Gazette No. 214, dated January 3, 1929.

Be it enacted as follows:—

1. This Law may be cited as the Second Addendum to the Legislative Council Electoral Law, 1928, and shall come into force upon the date of its publication in the Official Gazette.

2. (1) Any person residing in the Muhaffezieh of Amman or in the town of Jerash who is entitled to be registered as a voter and whose name is not entered in the Electoral Register shall, if he is desirous of being registered as a voter, apply to the Registering Officer within four days of the date of the enactment hereof and make a declaration before such Registering Officer in the prescribed form.

(2) For the purpose of this Law the town of Sweileh shall be deemed to be within the Muhaffezieh of Amman.

3. The Registering Officer shall prepare a list of the persons applying for registration in accordance with the provisions of the preceding section and shall at the expiration of the said period of four days forward the same to the Revising Officer, who shall forthwith cause to be posted in some conspicuous place in each village, quarter, or locality, a copy of that part of the list which contains the names of persons resident in such village, quarter, or locality, together with a notice specifying the time and place appointed for the the revision of the list; the date appointed for the revision shall be the third day succeeding the posing of the list. The decisions of the Revising Officer in the course of the revision shall be final.

4. As soon as the revision of the list has been completed, the same shall be forwarded to the Chief Minister and shall be attached to and form part of the Electoral Register for all purposes.

5. Subject to the modifications contained herein the registration of voters hereunder and the revision of the list shall be carried out in the manner prescribed in the Regulations regarding the preparation of Electoral Registers published in Official Gazette No. 199, dated 15th August, 1928.

LEGISLATIVE COUNCIL ELECTORAL LAW—1928
REGULATIONS FOR PRIMARY AND SECONDARY ELECTIONS[1]

Part I

Primary Elections

Art. 1 to 23.

Part II

Secondary Elections

Art. 24 to 41.

Regulations Regarding the Preparation of Electoral Registers[2]

Art. 1 to 10.

Regulations regarding the Election of Two Members to represent the Bedouins of the Amara[3]

Art. 1 to 6.

GENERAL ADMINISTRATION OF WILAYETS (AMENDMENT) LAW[4]

1928

1. This Law may be cited as the General Administration of Wilayets (Amendment) Law, 1928.

2.[5] (1) In every Liwa and in every Qadaa there shall be an Administrative Council composed of the Kadi Sharia', the Sub-accountant and four members elected from the inhabitants; the Mutessarrif in the case of a Liwa and the Kaimakam in the case of a Qadaa shall be the President of the Council. In a Qadaa where there is a Sub-accountant but no Kadi Sharia', the Administrative Council shall be composed of the Kaimakam, the Sub-accountant and four elected members. In a Qadaa where there is neither a Kadi Sharia' nor a Sub-accountant, the Administrative Council shall be composed of the Kaimakam, the next senior official in the Qadaa and four members elected from the inhabitants.

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[1] Published in Gazette No. 199, dated August 15, 1928.

[2] Published in Gazette No. 199, dated August 15, 1928, as amended in Gazette No. 202, dated September 15, 1928.

[3] Published in Gazette No. 216, dated January 28, 1929.

[4] Published as a bill in Gazette No. 209, dated December 1, 1928, and promulgated with amendments as a law in Gazette No. 221, dated March 5, 1929.

[5] As amended by the General Administration of Wilayets (Amendment) Law, 1930, published in Gazette No. 251, dated March 1, 1930.

(2)[1] Where the male Christian population of the Liwa or Qadaa exceeds 500 souls, one of the elected members shall be a Christian; where it exceeds 1,000 souls, two of the elected members shall be Christians.

(3) Any four members of an Administrative Council shall form a quorum, provided that one of their number be the Mutessarrif, or the Kaimakam, or an official duly authorized to represent him.

3. Every male Transjordanian who is habitually resident within the Liwa or the Qadaa, and who is not less than thirty years of age, shall be eligible for election as a member of the Administrative Council; provided that no person shall be a member of an Administrative Council of a Liwa and an Administrative Council of a Qadaa at one and the same time; and provided also that no person shall be a member of an Administrative Council of a Liwa or a Qadaa who has been sentenced by a Court of Law in Transjordan to a term of imprisonment for an offence involving moral turpitude.

4. An elected member shall hold office for a period of two years, at the end of which period he shall retire, but shall be eligible for re-election if not disqualified.

5. The elected members shall be chosen by an Electoral Committee presided over by the Mutessarrif in the case of a Liwa and the Kaimakam in the case of a Qadaa, and composed of the Kadi Sharia', the Sub-accountant, the President and members of the Municipal Council, the heads of the Religious Communities, and the Mukhtars. Where an equality of votes is found to exist, the Mutessarrif or the Kaimakam, as the case may be, shall have a casting vote.

6. If an elected member shall become disqualified under the provisions of section 3 hereof from sitting as a member of the Administrative Council, his office as member shall be deemed to be thereby vacated.

7. Where the office of an elected member of an Administrative

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[1] See decision of Diwan Khas No. 3.

Council is vacated, the Electoral Committee shall fill the vacancy in the manner provided by section 5 hereof within the period of thirty days from the date of the occurrence of such vacancy.

8. An appeal shall lie from the decision of an Administrative Council of a Qadaa to the Administrative Council of the Liwa to which the Qadaa is subordinate.

9. An appeal shall lie from the decision of the Administrative Council of a Liwa, whether given in first instance or upon appeal, as follows:—

a) in matters connected with the Land Registry to a Council composed of the Public Prosecutor of the Court of Appeal, the Chief Accountant of the Ministry of Finance and the Director of Land Registries;

b) in other matters to a Council composed of the Chief Minister or an official nominated by him, the Treasurer and the Director of Public Health.

10. An appeal from a decision of an Administrative Council, whether given in first instance or upon appeal, shall be made within fifteen days from the date of service of a copy of such decision upon the party appealing.

11. Service upon the inhabitants of a town or village shall be validly made by the delivery of a copy of the decision to the President of the Municipal Council, if there be such a Council, or to the Mukhtar if there be none, and by the posting of another copy of the decision outside the Mosque or some other conspicuous building in the town or village. Similarly, service upon a tribe of Bedouins shall be validly made by the delivery of a copy of the decision to the Sheikh of such tribe.

12. In this Law the expression "Liwa" shall include a Muhaffeziyeh, and the expression "Mutessarrif" shall include a Muhaffez.

13. The General Administration of Wilayets (Amendment) Law, dated 31st August, 1927, and the General Administration of Wilayets (Amendment) Law, 1927, dated 19th October, 1927, with its addendum dated 7th December, 1927, are hereby repealed.

AGREEMENT BETWEEN HIS BRITANNIC MAJESTY AND THE AMIR OF TRANS-JORDAN[1]

FEBRUARY 20, 1928;

AS AMENDED BY THE

SUPPLEMENTARY AGREEMENTS OF JUNE 2, 1934, AND JULY 19, 1941

Whereas His Britannic Majesty in virtue of a Mandate entrusted to him on the 24th of July, 1922, has authority in the area covered thereby; and

Whereas His Highness the Amir of Trans-Jordan has set up an Administration in that part of the area under Mandate known as Trans-Jordan; and

Whereas His Britannic Majesty is prepared to recognise the existence of an independent Government in Trans-Jordan under the rule of His Highness the Amir of Trans-Jordan, provided that such Government is constitutional and places His Britannic Majesty in a position to fulfil his international obligations in respect of that territory by means of an Agreement to be concluded with His Highness.

Now therefore His Britannic Majesty and His Highness the Amir of Trans-Jordan have resolved to conclude an Agreement for these purposes. . . .

Art. 1. His Highness the Amir agrees that His Britannic Majesty shall be represented in Trans-Jordan by a British Resident acting on behalf of the High Commissioner for Trans-Jordan, and that communications between His Britannic Majesty and all other Powers on the one hand and the Trans-Jordan Government on the other, shall be made through the British Resident and the High Commissioner aforesaid.

His Britannic Majesty agrees that His Highness the Amir may appoint consular representatives in such neighbouring Arab States as may be considered necessary.[2]

His Highness the Amir agrees that the ordinary expenses of civil government and administration [and the salaries and expenses of the British Resident and his staff][3] will be borne entirely by Trans-

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[1] No longer in force. See Treaty of March 22, 1946, Art. 11, p. 335.—ED.

[2] The words in italics were added by Supplementary Agreement, Art. 1, June 2, 1934.—ED.

[3] The words in brackets were cancelled by Supplementary Agreement, Art. 1, June 2, 1934.—ED.

Jordan. [His Highness the Amir will provide quarters for the accommodation of British members of the staff of the British Resident].[1]

Art. 2. The powers of legislation and of administration entrusted to His Britannic Majesty as Mandatory for Palestine shall be exercised in that part of the area under Mandate known as Trans-Jordan by His Highness the Amir through such constitutional government as is defined and determined in the Organic Law of Trans-Jordan and any amendment thereof made with the approval of His Britannic Majesty.

Throughout the remaining clauses of this Agreement the word "Palestine," unless otherwise defined, shall mean that portion of the area under Mandate which lies to the west of a line drawn from a point two miles west of the town of Akaba on the Gulf of that name up the centre of the Wady Araba, Dead Sea and River Jordan to its junction with the River Yarmuk; thence up the centre of that river to the Syrian frontier.

Art. 3. His Highness the Amir agrees that for the period of the present Agreement no official of other than Trans-Jordan nationality shall be appointed in Trans-Jordan without the concurrence of His Britannic Majesty. The numbers and conditions of employment of British officials so appointed in the Trans-Jordan Government shall be regulated by a separate Agreement.

Art. 4. His Highness the Amir agrees that all such laws, orders or regulations as may be required for the full discharge of the international responsibilities and obligations of His Britannic Majesty in respect of the territory of Trans-Jordan shall be adopted and made, and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may hinder the full discharge of such international responsibilities and obligations.

Art. 5. His Highness the Amir agrees to be guided by the advice of His Britannic Majesty tendered through the High Commissioner for Trans-Jordan in all matters concerning foreign relations of Trans-Jordan, as well as in all important matters affecting the international and financial obligations and interests of His Britannic Majesty in respect of Trans-Jordan. His Highness the Amir undertakes to follow an administrative, financial and fiscal policy in Trans-Jordan such as will ensure the stability and good organisation of his Government and its finances. He agrees to keep His Britannic Majesty informed of the measures proposed and adopted to give due effect to this undertaking, and further agrees not to alter the system of control of the public finances of Trans-Jordan without the consent of His Britannic Majesty.

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[1] The words in brackets were cancelled by Supplementary Agreement, Art. 1, June 2, 1934.—Ed.

Art. 6. His Highness the Amir agrees that he will refer for the advice of His Britannic Majesty the annual Budget law and any law which concerns matters covered by the provision of this Agreement, and any law of any of the following classes, namely:—

1. Any law affecting the currency of Trans-Jordan or relating to the issue of bank-notes.
2. Any law imposing differential duties.
3. Any law whereby persons who are nationals of any States Members of the League of Nations or of any State to which His Britannic Majesty has agreed by treaty that the same rights should be ensured as it would enjoy if it were a member of the said League, may be subjected or made liable to any disabilities to which persons who are British subjects or nationals of any foreign State are not also subjected or made liable.
4. Any special law providing for succession to the Amir's throne, or for the establishment of a Council of Regency.
5. Any law whereby the grant of land or money or other donation or gratuity may be made to himself.
6. Any law under which the Amir may assume sovereignty over territory outside Trans-Jordan.
7. Any law concerning the jurisdiction of the Civil Courts over foreigners.
8. Any law altering, amending or adding to the details of the provisions of the Organic Law.

Art. 7. Except by agreement between the two countries there shall be no customs barrier between Palestine and Trans-Jordan [and the customs tariff in Trans-Jordan shall be approved by His Britannic Majesty].[1]

The Government of Palestine shall pay to the Trans-Jordan Government the estimated amount of customs duties levied on the part of the goods entering Palestine from territory other than Trans-Jordan which subsequently enters Trans-Jordan for local consumption, but shall be entitled to withhold from the sums to be paid on this account the estimated amount of customs duties levied by Trans-Jordan on that part of the goods entering Trans-Jordan from other than Palestine territory, which subsequently enters Palestine for local consumption. The trade and commerce of Trans-Jordan shall receive at Palestinian Ports equal facilities with the trade and commerce of Palestine.

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[1] Words in brackets were cancelled by Supplementary Agreement, Art. 2, June 2, 1934.—Ed.

Art. 8. So far as is consistent with the international obligations of His Britannic Majesty no obstacle shall be placed in the way of the association of Trans-Jordan for customs or other purposes with such neighbouring Arab States as may desire it.

Art. 9. His Highness the Amir undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the interests of foreigners.

These provisions shall be embodied in a separate Agreement, which shall be communicated to the Council of the League of Nations, and, pending the conclusions of such Agreement, no foreigner shall be brought before a Trans-Jordan Court without the concurrence of His Britannic Majesty.

His Highness the Amir undertakes that he will accept and give effect to such reasonable provisions as His Britannic Majesty may consider necessary in judicial matters to safeguard the law and jurisdiction with regard to questions arising out of the religious beliefs of the different religious communities.

Art. 10. (as amended July 19, 1941) His Britannic Majesty may maintain armed forces in Trans-Jordan, and may raise, organise and control in Trans-Jordan such armed forces as may in his opinion be necessary for the defence of the country and to assist His Highness the Amir in the preservation of peace and order.

Art. 11. His Highness the Amir recognises the principle that the cost of the forces required for the defence of Trans-Jordan is a charge on the revenues of that territory. At the coming into force of this Agreement, Trans-Jordan will continue to bear one-sixth of the cost of the Trans-Jordan Frontier Force, and will also bear, as soon as the financial resources of the country permit, the excess of the cost of the British forces stationed in Trans-Jordan, so far as such forces may be deemed by His Britannic Majesty to be employed in respect of Trans-Jordan, over the cost of such forces if stationed in Great Britain, and the whole cost of any forces raised for Trans-Jordan alone.

Art. 12. So long as the revenues of Trans-Jordan are insufficient to meet such ordinary expenses of administration (including any expenditure on local forces for which Trans-Jordan is liable under Art. 11) as may be incurred with the approval of His Britannic Majesty, arrangements will be made for a contribution from the British Treasury by way of grant or loan in aid of the revenues of Trans-Jordan. His Britannic Majesty will also arrange for the payment of the excess of the cost of the British forces stationed in Trans-Jordan, and deemed by His Britannic Majesty to be employed in respect of Trans-Jordan, insofar and for such time as the revenues of Trans-Jordan are insufficient to bear such excess.

Art. 13. His Highness the Amir agrees that all such laws, orders or regulations as may from time to time be required by His Britannic Majesty for the purposes of Article 10 shall be adopted and made, and that no laws, orders or regulations shall be adopted or made in Trans-Jordan which may, in the opinion of His Britannic Majesty, interfere with the purposes of that Article.

Art. 14. His Highness the Amir agrees to follow the advice of His Britannic Majesty with regard to the proclamation of Martial Law in all or any part of Trans-Jordan and to entrust the administration of such part or parts of Trans-Jordan as may be placed under Martial Law to such officer or officers of His Britannic Majesty's forces as His Britannic Majesty may nominate. His Highness the Amir further agrees that on the re-establishment of civil government a special law shall be adopted to indemnify the armed forces maintained by His Britannic Majesty for all acts done or omissions or defaults made under Martial Law.

Art. 15. His Britannic Majesty may exercise jurisdiction over all members of the armed forces maintained or controlled by His Britannic Majesty in Trans-Jordan.

For the purposes of this and the five preceding Articles, the term "armed forces" shall be deemed to include civilians attached to or employed with the armed forces.

Art. 16. His Highness the Amir undertakes that every facility shall be provided at all times for the movement of His Britannic Majesty's forces (including the use of wireless and land-line telegraphic and telephonic services and the right to lay land-lines), and for the carriage and storage of fuel, ordnance, ammunition and supplies on the roads, railways and waterways and in the ports of Trans-Jordan.

Art. 17. His Highness the Amir agrees to be guided by the advice of His Britannic Majesty in all matters concerning the granting of concessions, the exploitation of natural resources, the construction and operation of railways, and the raising of loans.

Art. 18. No territory in Trans-Jordan shall be ceded or leased or in any way placed under the control of any foreign Power; this shall not prevent His Highness the Amir from making such arrangements as may be necessary for the accommodation of foreign representatives and for the fulfilment of the provisions of the preceding Articles.

Art. 19. His Highness the Amir agrees that, pending the making of special extradition agreements relating to Trans-Jordan, the Extradition Treaties in force between His Britannic Majesty and foreign Powers shall apply to Trans-Jordan.

Art. 20. This Agreement shall come into force so soon as it shall have been ratified by the High Contracting Parties after its acceptance by the constitutional Government to be set up under Article 2. The constitutional Government shall be deemed to be provisional until the Agreement shall have been so approved. Nothing shall prevent the High Contracting Parties from reviewing from time to time the provisions of this Agreement with a view to any revision which may seem desirable in the circumstances then existing.

Art. 21. The present Agreement has been drawn up in two languages, English and Arabic, and the Plenipotentiaries of each of the High Contracting parties shall sign two English copies and two Arabic copies. Both texts shall have the same validity, but in case of divergence between the two in the interpretation of one or other of the Articles of the present Agreement, the English text shall prevail.

TREATY OF ALLIANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM AND HIS HIGHNESS THE AMIR OF TRANS-JORDAN

March 22, 1946

His Majesty The King of Great Britain, Ireland and the British Dominions beyond the seas, Emperor of India, and His Highness The Amir of Trans-Jordan;

Considering that the Government of the United Kingdom of Great Britain and Northern Ireland have formally declared in the General Assembly of the United Nations Organisation that they intend to recognise the status of Trans-Jordan as a sovereign independent State; and

Desiring to define the relations which will subsist between them in future as independent Sovereigns on the terms of complete freedom, equality and independence, and to consolidate and perpetuate the relations of friendship and good understanding which have hitherto subsisted between them,

Have decided to conclude a treaty of friendship and alliance for this purpose. . . .

Art. 1. His Majesty The King recognises Trans-Jordan as a fully independent State and His Highness The Amir as the sovereign thereof.

There shall be perpetual peace and friendship between His Majesty The King and His Highness The Amir of Trans-Jordan.

There shall be established between the High Contracting Parties a close alliance in consecration of their friendship, their cordial understanding and their good relations and there shall be full and frank consultation between them in all matters of foreign policy which may affect their common interests.

Each of the High Contracting Parties undertakes not to adopt in foreign countries an attitude which is inconsistent with the alliance or might create difficulties for the other party thereto.

Art. 2. Each High Contracting Party will be represented at the Court of the other High Contracting Party by a diplomatic representative duly accredited.

Art. 3. It is understood between the High Contracting Parties that responsibility for the maintenance of internal order in Trans-Jordan and, subject to the provisions of Article 5 below, for the defence of Trans-Jordan from external aggression rests with His Highness The Amir of Trans-Jordan.

Art. 4. Should a dispute arise with a third State, the continuance of which is likely to endanger the maintenance of international peace and security, the High Contracting Parties will, first of all, concert together to seek a solution by peaceful means as provided in Article 33 of the Charter of the United Nations.

Art. 5. Should either High Contracting Party, notwithstanding the provisions of Article 4 of the present Treaty, become involved in hostilities, as a result of armed attack by a third party, the other High Contracting Party will, subject always to the provisions of Article 12 of the present Treaty, immediately come to his aid as a measure of collective self-defence. In the event of an imminent menace of hostilities the High Contracting Parties will immediately concert together the necessary measures of defence.

Art. 6. In order to facilitate the discharge of the mutual obligations under Article 5 above, the High Contracting Parties have agreed to the provisions set forth in the Annex to the present Treaty.

Art. 7. His Majesty The King will make every endeavour to obtain for His Highness's Government the services of any experts or officials with technical qualifications of whom Trans-Jordan may stand in need.

Art. 8. *1.* All obligations and responsibilities devolving on His Majesty The King in respect of Trans-Jordan in respect of any international instrument which is not legally terminated should devolve on His Highness The Amir of Trans-Jordan alone, and the High Contracting Parties will immediately take such steps as may be necessary to secure the transfer to His Highness The Amir of these responsibilities.

2. Any general international treaty, convention or agreement which has been made applicable to Trans-Jordan by His Majesty The King (or by his Government in the United Kingdom) as mandatory shall continue to be observed by His Highness The Amir until His Highness The Amir (or his Government) becomes a separate contracting party thereto or the instrument in question is legally terminated in respect of Trans-Jordan.

Art. 9. *1.* The High Contracting Parties will open negotiations for a Commercial and Establishment Agreement as soon as practicable.

2. Until the conclusion of the Agreement referred to in paragraph 1, or until the expiry of two years from the date of signature of the present Treaty, whichever is the earlier, each High Contracting Party will maintain in relation to the nationals and commerce of the other the régime applying at the date of signature of the Treaty; provided that neither High Contracting Party will extend to the nationals or commerce of the other treatment less favourable in any respect than that which he accords to the nationals and commerce of the most favoured foreign country.

3. The provisions of the second paragraph of this Article apply to the colonies, overseas territories and protectorates of His Majesty The King and the territories administered by His Majesty's Government in the United Kingdom under mandate or trusteeship.

4. The High Contracting Parties agree that the provisions of the second paragraph of this Article with regard to the grant of the treatment of the most favoured foreign country shall not extend to—

(1) Any special customs privileges which at the date of signature of this Treaty His Highness The Amir accords to goods produced or manufactured in any territory which in 1914 was wholly included in Asiatic Turkey or Arabia provided that such privileges are not accorded to any other foreign country, or

(2) Customs privileges granted by one of the High Contracting Parties to a third country in virtue of a Customs Union which has already been or may hereafter be concluded.

Art. 10. It is agreed by the High Contracting Parties that commercial concessions granted in respect of Trans-Jordan territory prior to the signature of this Treaty shall continue to be valid for the periods specified in their texts.

Art. 11. On the coming into force of the present Treaty the Agreement between His Majesty The King and His Highness The Amir dated the 20th February, 1928, and subsequently revised by further Agreements dated the 2nd June, 1934, and the 19th July, 1941,[1] shall cease to have effect.

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[1] Reproduced above, pp. 327-332.

Art. 12. Nothing in the present Treaty is intended to or shall in any way prejudice the rights and obligations which devolve, or may devolve, upon either of the High Contracting Parties under the Charter of the United Nations or, save as may result from the provisions of Articles 8 and 11, under any other international agreements, conventions or treaties.

Art. 13. Should any difference arise relative to the application or the interpretation of the present Treaty, and should the High Contracting Parties fail to settle such difference by direct negotiation, the difference shall be referred to the International Court of Justice unless the parties agree to another mode of settlement.

Art. 14. The present Treaty shall be ratified and shall come into force upon the exchange of instruments of ratification, which shall take place as soon as possible.

The present Treaty shall remain in force for a period of twenty-five years from the date of its coming into force, and thereafter it shall remain in force until the expiry of one year after a notice of termination has been given by one High Contracting Party to the other through the diplomatic channel.

ANNEX

Art. 1. His Majesty The King may station armed forces in Trans-Jordan in places where they are stationed at the date of signature of the present Treaty, and in such other places as may be agreed upon, and His Highness The Amir will provide all the facilities necessary for their accommodation and maintenance and the storage of their ammunition and supplies, including the lease of any land required. Any private rights on such land will, if necessary, be expropriated.

Art. 2. His Highness The Amir of Trans-Jordan will grant facilities at all times for the movement and training of the armed forces of His Majesty The King, and for the transport of the supplies of fuel, ordnance, ammunition and other materials required by these forces, by air, road, railway, water-way and pipe-line and through the ports of Trans-Jordan.

Art. 3. The armed forces of His Majesty The King will have the right to use their own systems of signal communication, including wireless.

Art. 4. His Highness The Amir of Trans-Jordan will safeguard, maintain and develop as necessary in consultation with the Government of the United Kingdom the ports and lines of communication in and across Trans-Jordan, required for the free movement and maintenance of His Majesty's armed forces, and will call upon His Majesty's assistance as may be required for this purpose.

Art. 5. His Majesty The King will reimburse to His Highness The Amir all expenditure to which His Highness's Government is put in connection with the provision of the facilities mentioned in Articles 1, 2 and 4 of this Annex and will repair or pay compensation for any damage arising from actions by members of His Majesty's armed forces other than damage caused in military operations undertaken in accordance with Article 5 of this Treaty as a result of an attack on Trans-Jordan.

Art. 6. Pending the conclusion of an agreement between the High Contracting Parties defining in detail the jurisdictional and fiscal immunities of members of the forces of His Majesty The King in Trans-Jordan, they will continue to enjoy the immunities which are accorded to them at present.

Art. 7. No demand will be made for the payment by His Majesty The King of any Trans-Jordan taxation in respect of immovable property leased or owned by His Majesty or in respect of his movable property, including customs duty on goods imported or exported by or on behalf of His Majesty.

Art. 8. His Majesty The King will afford financial assistance to His Highness The Amir in meeting the cost of the military units of the Amir's forces which are required to ensure the purposes of Art. 5 of the Treaty. The strength of such units will be agreed upon annually by the High Contracting Parties, and His Highness The Amir will enable His Majesty's representative in Trans-Jordan to ascertain that the funds in question are expended for the purpose for which they are issued.

Art. 9. In view of the desirability of identity in training and methods between the Trans-Jordan and British armies:—

(1) His Majesty The King will provide any British officers whose services are required to ensure the efficiency of the military units of the Amir's forces.

(2) His Majesty The King will (a) afford all possible facilities to His Highness The Amir of Trans-Jordan for the military and aeronautical instruction of Trans-Jordan officers at schools of instruction maintained for His Majesty's forces, and (b) provide arms, ammunition, equipment and aircraft and other war material for the forces of His Highness The Amir of Trans-Jordan.

(3) His Highness The Amir will (a) meet the cost of instruction and equipment referred to in paragraph (2), (b) ensure that the armament and essential equipment of his forces shall not differ in type from those of the forces of His Majesty The King, (c) send any personnel of his forces, that may be sent abroad for training, to military schools, colleges and training centres maintained for His Majesty's forces.

Art. 10. At the request of either of them the High Contracting Parties will consult together at any time to consider whether it is desirable to introduce by agreement any amendments to the provisions of this Annex designed to give fuller effect to its purposes.

Turkey

1. Constitutional Law of the Turkish Republic—May 24, 1924, as amended April 10, 1928, December 12, 1931, December 5, 1934, and February 5, 1937 341-354

   Text furnished by the Turkish Embassy, Washington, D. C.

2. Declaration of the Congress of Sivas—September 9, 1919 354-356

   Eliot G. Mears, *Modern Turkey.* The Macmillan Company, New York, 1924, pp. 627-628.

3. Turkish National Pact—January 28, 1920 357-358

   Mears, *op. cit.*, pp. 629-631.

4. Electoral Law—December 14, 1941 358-369

   Grand National Assembly of Turkey. *Constitutional Law with By-laws and Electoral Law.* Ankara, March 8, 1943. Translation by Miss Eleanor Frankle, M.A., Columbia University, and by Dr. Karl Menges, Lecturer in East European Languages at Columbia University, and Research Associate at the Department of Oriental Languages, University of California.

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5. Treaty of Friendship Between Russia and Turkey—March 16, 1921 370-373

   British and Foreign State Papers, vol. 118 (1923), H.M. Stationery Office, London, pp. 990-994.

6. Treaty of Friendship and Neutrality Between Turkey and the Union of Soviet Socialist Republics—December 17, 1925, with three Protocols annexed, also Protocols of Extension of December 17, 1929, October 30, 1931, and November 7, 1935; and Naval Protocol of March 7, 1931 374-377

   League of Nations, Geneva, 1935. *Treaty Series,* vol. 157, No. 3610. 1935. p. 353.

7. CONVENTION REGARDING THE REGIME OF THE STRAITS —JULY 20, 1936 378-388

Turkey No. 1 (1936). Cmd. 5249. H.M. Stationery Office, London, 1936.

8. FRANCO-TURKISH ARRANGEMENT OF JUNE 23, 1939— ARRANGEMENT FOR THE FINAL SETTLEMENT OF TERRITORIAL QUESTIONS BETWEEN TURKEY AND SYRIA 296-299

See SYRIA.

9. TREATY OF MUTUAL ASSISTANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM, THE PRESIDENT OF THE FRENCH REPUBLIC AND THE PRESIDENT OF THE TURKISH REPUBLIC—OCTOBER 19, 1939 389-393

Treaty Series No. 4 (1940). Cmd. 6165. H.M. Stationery Office, London, 1940.

10. TREATY BETWEEN THE TURKISH REPUBLIC AND THE GERMAN REICH—JUNE 18, 1941 394

Translated from Official Gazette, No. 4849, July 2, 1941. Courtesy of the Department of State, Washington, D. C.

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CONSTITUTIONAL LAW OF THE TURKISH REPUBLIC

May 24, 1924

as amended by the Laws of April 10, 1928, December 12, 1931, December 5, 1934, and February 5, 1937

Chapter I.

Fundamental Provisions

Article 1. The Turkish State is a Republic.

Article 2. (as amended April 10, 1928 and February 5, 1937) The Turkish State is republican, nationalist, populist, étatist, secular, and revolutionary. Its official language is Turkish and its Capital is the city of Ankara.

Article 3. The sovereignty belongs without restriction to the nation.

Article 4. The Grand National Assembly of Turkey is the sole and real representative of the nation on whose behalf it exercises the rights of sovereignty.

Article 5. The legislative authority and executive powers are concentrated and manifested in the Grand National Assembly.

Article 6. The Grand National Assembly exercises direct legislative authority.

Article 7. The Grand National Assembly exercises its executive authority through the person of the President of the Republic elected by it, and a Council of Ministers chosen by the President.

The Assembly may at any time control the activities of the Government (Council of Ministers) and dismiss it.

Article 8. Judicial authority is exercised by independent tribunals in the name of the nation in accordance with the laws and regulations in force.

CHAPTER II.

LEGISLATIVE POWERS

Article 9. The Grand Assembly is composed of deputies elected by the nation in accordance with a special law.

Article 10. (as amended December 5, 1934) Every Turk, man or woman, who has completed his twenty-second year, has the right to vote in the election of Turkish deputies.

Article 11. (as amended December 5, 1934) Every Turk, man or woman, who has completed his thirtieth year, may be elected deputy.

Article 12. The following persons are not eligible to election as deputy:—

Persons in the service of a foreign state; persons who have received a sentence of a defamatory nature or a sentence for theft, fraud, swindling, abuse of confidence, or fraudulent bankruptcy; persons over whom a guardianship has been established; those claiming foreign citizenship; persons deprived of their civil rights and, lastly, those who are unable to read and write Turkish.

Article 13. Elections of representatives to the Grand National Assembly are to be held once every four years.

Deputies whose terms have expired are eligible to re-election.

The outgoing Assembly exercises its functions until the meeting of the newly constituted Assembly.

Should the holding of new elections prove impossible, the legislative term may be extended for another year.

A deputy is not only the representative of his constituency but that of the entire nation.

Article 14. The Grand National Assembly shall convene on the first day of November each year without a summons.

The period for which the Assembly may adjourn in order to enable the deputies to visit the country and to collect material for their supervisory functions as well as to provide for their personal rest, shall not exceed six months.

Article 15. The right of introducing laws belongs to the members of the Assembly and to the Council of Ministers.

Article 16. (as amended April 10, 1928) Deputies shall take the following oath of office when joining the Assembly:—

"I swear on my honor that I shall not pursue any course contrary to the prosperity and safety of the country and nation and to complete national sovereignty and that I will be loyal and faithful to the principles of the Republic."

Article 17. Deputies are not responsible for their votes, opinions and statements in the Assembly, nor are they responsible for making known these statements, opinions or votes outside the Assembly. The examination, arrest, or trial of a deputy who is charged with an offense previous or subsequent to his election, can only take place following a decision by the Grand National Assembly. Cases of a criminal nature *in flagrante delicto* are excepted from this provision; however, in such instances, the competent authorities are expected immediately to inform the Assembly thereof. The application of a penal sentence pronounced against a deputy prior or after his election shall be postponed until the expiration of his membership. The statute of limitations is not operative during the term of deputyship.

Article 18. The annual compensation of deputies is determined by a special law.

Article 19. If the Grand National Assembly is in recess, it may be convoked in special session by the President of the Republic or the President of the Assembly whenever deemed necessary; it may likewise be convened by the President of the Assembly following the request of one-fifth of the members of the Assembly.

Article 20. The debates in the Assembly shall be public and shall be published word for word.

However, the Assembly may also hold secret sessions in accordance with the rules of procedure. The publication of the minutes of secret sessions is subject to a decision of the Assembly.

Article 21. The Assembly conducts its debates in accordance with the provisions of its rules of procedure.

Article 22. Questions, interpellations, and parliamentary inquiries lie within the province of the Assembly and are governed by the provisions of the rules of procedure.

Article 23. A person is not permitted to be a Deputy and hold another Government post at the same time.

Article 24. The Grand National Assembly of Turkey elects in a plenary session at the beginning of each November a president and three vice-presidents of the Assembly for one year.

Article 25. In the case of new elections before the expiration of the term by a decision of a majority of the Assembly, the term of the incoming Assembly begins the following November.

The session preceding November shall be considered as an extraordinary session.

Article 26. (as amended April 10, 1928) The Grand National Assembly directly exercises such functions as enacting, modifying, interpreting and abrogating laws; concluding conventions and treaties of peace with foreign states; declaring war; examining and approving laws relative to the General Budget and the Final Accounts of the State, coining money, approving or annulling contracts and concessions involving financial obligations; proclaiming partial or general amnesty; reducing or modifying sentences, postponing legal investigations and penalties and executing definitive death sentences pronounced by the courts.

Article 27. A deputy who is found guilty of treason or other crimes committed during his term of deputyship by a decision of two-thirds of the members of the Grand National Assembly, or who is convicted for any crime mentioned in Article 12 of the present law and the sentence become final, loses his deputyship.

Article 28. A member of the Grand National Assembly shall forfeit his deputyship by resignation, by being placed under guardianship, by absence from the Assembly without permission or admissible excuse for a period of two months, or by acceptance of government office.

Article 29. Whenever a deputy loses his deputyship for any of the reasons stated in the preceding articles or in case of his death, another deputy will be elected in his place.

Article. 30. The Grand National Assembly organizes and directs its policy through its President.

CHAPTER III.

EXECUTIVE POWERS[1]

Article 31. The President of the Turkish Republic shall be elected for one Assembly term by the Grand National Assembly in a plenary session from among its members. The outgoing President shall remain in office until the election of the new President of the Republic. A President is eligible for re-election.

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[1] Cf. Law No. 3546 on The Council of State of December 21, 1938 (reproduced in *Annuaire d l'Institut International du Droit Public, 1939-40,* Paris, 1940, pp. 282-298).—ED.

Article 32. The President of the Republic is the chief of the State. In this capacity he may, during special ceremonies, preside over the Assembly and whenever he should deem it necessary may also preside over the Council of Ministers. The President of the Republic may not participate in the debates and discussions of the Assembly nor cast his vote as long as he occupies the position of President.

Article 33. If the President of the Republic is prevented from exercising his functions due to a reason such as illness or a journey abroad, or if the Presidency becomes vacant through death or resignation or for some other reason, the President of the Grand National Assembly shall provisionally exercise the duties of the President of the Republic.

Article 34. Should the Assembly be in session when a vacancy occurs in the Presidency of the Republic, it shall immediately proceed to the election of a new President. If the Assembly is not in session a special session thereof shall be immediately convoked by its President for the purpose of electing a President of the Republic. If the term of the Assembly has expired or if new elections have been decided on, the succeeding Assembly shall elect a President of the Republic.

Article 35. The President of the Republic shall promulgate the laws voted by the Grand National Assembly within a period of ten days.

With the exception of the Organic and Budget Laws the President may return to the Assembly for reconsideration—likewise within ten days and accompanied by an explanation of reasons—such laws whose promulgation he does not approve.

Should such a law be voted by the Assembly for a second time, the President of the Republic is obliged to proceed to its promulgation.

Article. 36. The President of the Republic shall in November of each year deliver personally or have read by the Prime Minister an address to the Assembly regarding the activities of the Government during the past year as well as the measures recommended for the coming year.

Article 37. The President of the Republic shall appoint the diplomatic representatives of the Turkish Republic to foreign states and shall receive like representatives of other Powers.

Article 38. (as amended April 10, 1928) The President of the Republic shall, immediately after his election, take the following oath before the Grand National Assembly:—

"As President of the Republic I swear upon my honor that I shall always respect and defend the laws of the Republic and the principles of national sovereignty, faithfully strive with all my strength for the welfare of the Turkish nation, ward off with vigor any threat or danger to the Turkish State, protect and magnify the honor and glory of Turkey and devote myself to the duty which I am assuming."

Article 39. All degrees promulgated by the President of the Republic shall be signed by the Prime Minister and the competent Minister.

Article 40. The Supreme Command of the Army is vested in the Grand National Assembly and is represented by the President of the Republic. In time of peace the command of all armed forces is entrusted by special law to the Chief of the General Staff, and in time of war is given to the person appointed by the President of the Republic upon the proposal of the Council of Ministers.

Article 41. The President of the Republic is responsible to the Grand National Assembly in case of high treason. All responsibility for decrees promulgated by the President of the Republic is incumbent on the Prime Minister and on the Ministers who, according to the stipulations of Article 39, placed their signature on the decree in question. Should the President be held responsible for matters of a personal nature the provisions of Article 17 of the present law pertaining to parliamentary immunity will be applied.

Article 42. The President of the Republic may, on the proposal of the Council of Ministers, suspend or reduce sentences of convicts for personal reasons such as incurable illness or infirmity. However, the President of the Republic may not exercise this right on behalf of Ministers who have been convicted by the Grand National Assembly.

Article 43. The compensation of the President of the Republic is determined by a special law.

Article 44. The Prime Minister is designated by the President of the Republic from among the members of the Assembly. The other Ministers are chosen by the Prime Minister from the members of the Assembly and presented collectively to the Assembly following the approval of the President of the Republic.

In the event that the Grand National Assembly is not in session, the presentation (of the Council of Ministers) is postponed until the meeting of the Assembly.

The Government must submit its program and policy to the Assembly within one week at the latest and request a vote of confidence.

Article 45. The Ministers form under the presidency of the Prime Minister the Council of Ministers (Executive Council).

Article 46. The Council of Ministers is collectively responsible for the general policy of the Government.

Each Minister shall be individually responsible for the affairs falling within his jurisdiction and for the acts and accomplishments of his subordinates as well as for his general policy.

Article 47. The duties and responsibilities of the Ministers shall be defined by special law.

Article 48. The number of Ministries is likewise defined by law.

Article 49. If because of leave of absence or for another reason a Minister is not in attendance, another member of the Council of Ministers shall temporarily act on behalf of the said Minister. However, a Minister many not act temporarily on behalf of more than one Minister simultaneously.

Article 50. If the Grand National Assembly of Turkey decides to summon for trial before the Supreme Court a member of the Council of Ministers, this decision shall likewise involve his relinquishment of office as Minister.

Article 51. A Council of State shall be formed, the duties of which will be to examine and decide administrative suits and conflicts; to express its opinion in regard to draft laws and terms of contracts and concessions to be granted by the government, and to discharge any duties which may be incumbent on it in accordance with the law providing for the constitution of the Council, or by virtue of subsequent laws. The President and members of the Council of State are chosen by the Grand National Assembly from such persons of distinction as have filled high administrative posts and who possess special knowledge and experience.

Article 52. The Council of Ministers shall draw up regulations determining the mode of application of existing laws or particular sections in the law, provided the said regulations do not contain new legal provisions and are approved by the Council of State.

These regulations become effective after signature and promulgation by the President of the Republic.

In case of an alleged conflict between the regulations and the laws the Grand National Assembly shall have jurisdiction in the matter.

CHAPTER IV.

JUDICIAL POWERS

Article 53. The organization of courts, their functions, and their jurisdiction is determined by law.

Article. 54. The magistrates of courts are independent in the trial of all cases and in the rendering of their verdicts; they are free from all kinds of interference and are dependent only upon the law.

The decisions of courts may not be modified in any manner whatsoever by the Grand National Assembly or by the Council of Ministers nor be postponed or their application be obstructed.

Article 55. Magistrates of courts may not be dismissed under any circumstances or manner other than specified by law.

Article 56. The qualifications of magistrates, their rights, duties, compensation, and the manner of their appointment and dismissal are determined by special law.

Article 57. Magistrates may assume no private or public functions other than those provided for by law.

Article 58. Court hearings are public; however, the court may decide to hold secret sessions in accordance with the law on Court procedure.

Article 59. Every individual has free recourse to all legal means which may be deemed necessary for the defense of his rights before a court.

Article 60. No tribunal may refuse to examine cases which lie within its competence and jurisdiction. Cases not coming within the court's jurisdiction can be rejected only following the rendering of a decision (by the Court itself).

Article 61. A Supreme Court shall be constituted and the jurisdiction thereof shall extend to the trial of members of the Council of Ministers, the President and members of the Council of State and of the Court of Cassation as well as the Chief Public Prosecutor in all matters arising from the performance of their duties.

Article 62. The Supreme Court shall be composed of twenty-one members, eleven from the Court of Cassation and the remaining ten from the President and members of the Council of State. The said members shall be elected by the above bodies from among their members and president, in case of necessity by secret ballot.

The said members of the Supreme Court shall in their turn elect from among themselves by secret ballot and majority vote a president and a vice-president.

Article 63. Supreme Court trials shall be held before the President and fourteen members and the Court's decisions shall be determined by majority vote.

The six remaining members shall constitute alternates intended to complete the court in case of vacancies.

The said members will be chosen by lot, three from among those elected from the Council of State and three from those elected from the Court of Cassation.

The members elected to the Presidency and Vice-Presidency shall not be included in the said drawing of lots.

Article 64. The functions of Prosecutor General of the Supreme Court will be fulfilled by the Prosecutor General of the Republic.

Article 65. The decisions of the Supreme Court are final.

Article 66. The Supreme Court shall conduct trials and render verdicts in accordance with the laws currently in force.

Article 67. The Supreme Court shall be constituted by decision of the Grand National Assembly of Turkey whenever it is deemed necessary.

CHAPTER V.

GENERAL RIGHTS OF TURKISH CITIZENS

Article 68. Every Turk is born free and free he lives.

Liberty consists of any action which is not detrimental to others. The limits of an individual's liberty, which is his natural right, extend only to the point where they infringe on the liberties enjoyed by his fellow-citizens. The said limits are defined solely by law.

Article 69. All Turks are equal before the laws and are expected conscientiously to abide by them.

Every type of group, class, family, and individual privilege is abolished and prohibited.

Article 70. Personal immunity, freedom of conscience, of thought, of speech and press, the right to travel, to make contracts, to work, to own and dispose of property, to meet and associate and to incorporate, form part of the rights and liberties of Turkish citizens.

Article 71. The life, property, honor, and residence of each individual are inviolable.

Article 72. No individual shall be seized or arrested under any other circumstance or manner than that provided by law.

Article 73. Torture, bodily mistreatment, confiscation and forced labor are prohibited.

Article 74. (as amended February 5, 1937) No person may be deprived of his possessions and property or have them expropriated unless it be formally established that it is required for public benefit and unless he has first been indemnified in cash for the value of the property in accordance with the pertinent laws.

The expropriation indemnity and the manner of payment of such indemnity of land and forest to be expropriated in order to make the farmer proprietor of land and to place administration of forests under the State, shall be determined by special laws.

No person shall be constrained to make any sort of sacrifice except such as may be imposed in kind, or money, or in the form of labor in extraordinary circumstances and in conformity with the law.

Article 75. (as amended February 5, 1937) No one may be censured for the philosophical creed, religion or doctrine to which he may adhere. All religious services not in contravention to public order and morals and the laws are authorized.

Article 76. No one's domicile may be entered or his person searched except as in the manner and under the conditions stipulated by law.

Article 77. The press shall enjoy freedom within the framework of the law and shall not be subject to any censorship or control prior to publication.

Article 78. Travel is subject to no restriction whatsoever except in cases of general mobilization, martial law, or legislative restrictions of a hygienic nature necessitated by epidemics.

Article 79. The limits imposed on the liberty of making contracts, of labor, of ownership, of meeting and associating, and of incorporating shall be determined by law.

Article 80. Instruction of any kind is free within the limits laid down by law under the supervision and control of the State.

Article 81. Documents, letters and all kinds of parcels delivered to the postal authorities may not be opened without a decision by a competent examining magistrate and tribunal. Likewise the secrecy of telegraphic and telephonic conversation may not be violated.

Article 82. Turkish citizens shall have the right, should they notice any instances which are in contravention to the laws and regulations in force, to report such cases or complain, individually or collectively, either in their own interest or in the interest of the community, to the competent authorities or to the Grand National Assembly. The reply to a personal application must be communicated to the petitioner in written form.

Article 83. No one may be summoned before or taken to a court other than to that court having jurisdiction in the question in accordance with the law.

Article 84. Taxes shall be understood to be the participation of the people in the general expenditures of the State. The collection of toll, tithes, or any other kind of taxes in a manner incompatible with the aforestated principle by individuals or corporations or in their behalf is prohibited.

Article 85. Taxes may be levied and collected only by virtue of a law.

However, the collecting of such taxes as have been customarily levied by the State or by provincial and municipal administrations shall be continued pending the enactment of new laws.

Article 86. In the event of a war, rebellion or in the case of convincing evidence of a positive and serious conspiracy against the country and the Republic, the Council of Ministers may proclaim partial or general martial law on condition that this does not exceed one month and that this measure is submitted without delay to the Grand National Assembly for approval. The Assembly may, if deemed necessary, extend or reduce the duration of martial law. Should the Assembly not be in session, it shall be convened immediately.

The prolongation of Martial Law is subject to the decision of the Grand National Assembly. Martial Law implies the temporary restriction or suspension of personal and residential immunity, of inviolability of correspondence, of the freedom of the press and of the right of assembling and associating.

The area over which Martial Law may be proclaimed, the application of the provisions of this regulation over the said area, as well as the mode of restriction or suspension of immunity and freedom in time of war is determined by law.

Article 87. Primary education is compulsory for all Turks and is free in public schools.

Article 88. The people of Turkey, regardless of religion and race, are Turks as regards citizenship.

Any person born of a Turkish father, in Turkey or elsewhere, as well as any person born of an alien father domiciled in Turkey and who, residing in Turkey, formally assumes Turkish citizenship upon attaining majority, as well as any person granted Turkish citizenship by law, are Turks. Turkish citizenship may be lost under circumstances defined by law.

Chapter VI.

Miscellaneous

PROVINCES

Article 89. Turkey is divided on the basis of geographic conditions and economic relations into vilayets, the vilayets into Kazas, the Kazas into nahiyes which are made up of Kasabas and villages.

Article 90 Vilayets, towns, Kasabas and villages are considered to be incorporative persons.

Article 91. The vilayets are administered according to the principle of decentralization and division of functions.

GOVERNMENT OFFICIALS

Article 92. Any Turk in full possession of his political rights may be employed in the service of the Government with due consideration as to his qualifications and capacities.

Article 93. The qualifications of Government officials, their rights and duties, their salaries, the mode of their appointment, dismissal, and promotion is determined by law.

Article 94. In case of an infraction of the law an official or employee of the Government may not escape responsibility on the ground of compliance with instructions from superiors.

FINANCIAL AFFAIRS

Article 95. (as amended December 12, 1931) The bill relating to the Annual Budget as well as all the draft budgets, tables, and annexed budgets connected therewith, shall be submitted to the Grand National Assembly at least three months before the beginning of the fiscal year.

Article 96. Public funds may not be spent in excess of the provisions of the Budget Law.

Article. 97. The provisions of the Budget Law are valid for the duration of one year.

Article 98. The Final Accounts shall show the actual figures of revenues collected in the course of the fiscal year of the pertinent budget as well as disbursements effected during the said fiscal year. The form and rules relative to the drawing up of the Final Accounts must be analogous to those provided for in the Budget Law.

Article 99. The draft of the Final Accounts shall be submitted to the Grand National Assembly not later than the beginning of November of the second year following the end of the fiscal year which it covers.

Article 100. A Bureau of Accounts attached to the Grand National Assembly is charged with the control in accordance with the law *ad hoc* of all revenues and disbursements of the State.

Article 101. The Bureau of Accounts shall submit to the Grand National Assembly, at the latest within six months following the submittal of the Final Accounts, a general statement of verification.

PROVISIONS RELATING TO THE CONSTITUTION

Article 102. Amendments of any of the provisions of the present Constitution can be made only under the following conditions:

The motion for amendment must be signed by at least one-third of all the members of the Assembly.

The amendment must be supported by the vote of a majority numbering two-thirds of the total members of the Assembly.

An amendment or a modification of Article 1 of the present law, stating that the form of Government of the country is a Republic, may not even be proposed under any circumstances or in any form whatsoever.

Article 103. No provision of the Organic Law shall be disregarded nor its application suspended for any reason or under any pretext whatsoever.

No law may contain provisions contrary to the Organic Law.

Article 104. The Constitution of 1293 (1876) together with its amendments, as well as the Organic Law of January 20, 1337 (1921) together with all annexed laws and amendments, are annulled.

Article 105. The present law enters into force on the date of its promulgation.

Provisional Articles: The provisions of the Law of December 19, 1339 (1923) defining the conditions governing persons belonging to the army who have been or may be elected members of the Grand National Assembly of Turkey, shall remain in force.

DECLARATION OF THE CONGRESS OF SIVAS[1]

September 9, 1919

In view of the exterior and interior perils which threaten our country, the national conscience has become awakened and gave birth to our congress, which has reached the following decision:

I. All of the Turkish territory within the frontier outlined 30 October, 1334 (1918), between the Ottoman Government and the Allies, and inhabited by a preponderate majority of Turk population, will form an undivided and inseparable whole. All the Mussulman elements living in said territories are filled with mutual sentiments of respect and devotion for the social conditions of the country and form a veritable fraternity.

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[1] The Declaration of Sivas and the Turkish National Pact (pp. 357-358) which preceded the adoption of the Constitution are important historically and are therefore reproduced here.—Ed.

II. In order to assure the integrity of our country and our national independence, as well as to assure the conservation of the Sultanate and supreme Khalifate, it is indispensable to place in action the national forces and the absolute will of the people.

III. Against all intermeddling or occupation of no matter what part of the Ottoman territory, and in particular against every movement tending towards the formation, at the expense of the mother country, of an independent Armenia and of an independent Greece on the Aidin, Magnesia, and Balikhisar fronts, we are absolutely resolved to resist and to defend our rights.

IV. It is inadmissible that privileges be accorded all non-Mussulman elements who, for ages, have lived from the breast of the same country and who enjoy the same rights of equality; such privileges would tend to trouble our political government and break the social equilibrium.

V. All methods and all means are taken with a view to safeguard the Sultanate, the supreme Khalifate, and the integrity of the country in the case where the Turkish Government, under foreign pressure, should be called upon to abandon no matter what part of our territory.

VI. We await a decision which will conform with right and with such justice as will annul the initiatives that are contrary to our historic, ethnic, and religious rights; a decision relative to the annulling of the project of the separation of our territory situated within the line of demarcation traced by the armistice treaty, 30 October, 1334, and inhabited by a preponderate majority of Mussulman population having an intellectual preponderance and economic superiority and forming an absolutely indivisible brotherhood which is inseparable of race and religion.

VII. Our people honor and respect humanitarian and contemporary purposes and take in consideration our scientific, industrial, and economic needs; in consequence whereof, on condition that the interior and exterior independence of our people and of our State, and on condition that the territorial integrity of our country shall be conserved intact, we will accept with pleasure the scientific, industrial, and economic assistance of every State which will not set forth imperialistic tendencies with respect to our country and which will respect the principles of nationality within the limits indicated under Article VI. We await in the name of the preservation of humanity and universal peace the urgent signature of a peace based on the aforenamed equitable and humanitarian conditions which we consider to be our great national objective.

VIII. In the course of historic events which fix the destinies of nations, it is indispensable that our central Government shall submit itself to the national will, for the arbitrary decision, emanating from a government which treats lightly of the supreme will of the people not only causes that government not to be respected but, again, it could not be taken into consideration; the history of our past is proof. In consequence, it is absolutely urgent that before taking the means to remedy the anguish which exists within the very breast of the nation, our central Government shall proceed without delaying further to convoke the Nationalist Assembly and submit all the decisions to be taken with a view to safeguarding the interests of the nation.

IX. The sufferings and the calamities of the nations have given birth to a federal assembly called "the assembly to defend the rights and the interests of the provinces of Anatolia and of Rumaili." That assembly abstracts all the tendencies of the political parties so that all our Mussulman compatriots as such can be considered as legitimate members of that assembly.

X. The congress of that assembly, named "the assembly to defend the rights and the interests of the provinces of Anatolia and of Rumaili," which met at Sivas 4 September, 1335 (1919), has chosen a representative corps charged to push on the proposed sacred cause and to direct such similar organizations as well in the smaller communities as in the larger centers of the vilayets.

THE CONGRESS.

THE TURKISH NATIONAL PACT[1]

JANUARY 28, 1920

The members of the Ottoman chamber of deputies recognize and affirm that the independence of the State and the future of the Nation can be assured by complete respect for the following principles, which represent the maximum of sacrifice which can be undertaken in order to achieve a just and lasting peace, and that the continued existence of a stable Ottoman sultanate and society is impossible outside of the said principles:

First Article. Inasmuch as it is necessary that the destinies of the portions of the Turkish Empire which are populated exclusively by an Arab majority, and which on the conclusion of the armistice of the 30th October, 1918, were in the occupation of enemy forces, should be determined in accordance with the votes which shall be freely given by the inhabitants, the whole of those parts whether within or outside the said armistice line which are inhabited by an Ottoman Moslem majority, united in religion, in race and in aim, imbued with sentiments of mutual respect for each other and of sacrifice, and wholly respectful of each other's racial and social rights and surrounding conditions, form a whole which does not admit of division for any reason in truth or in ordinance.

Second Article. We accept that, in the case of the three sanjaks which united themselves by a general vote to the mother country when they first were free, recourse should again be had, if necessary, to a free popular vote.

Third Article. The determination of the juridical status of Western Thrace also, which has been made dependent on the Turkish peace, must be effected in accordance with the votes which shall be given by the inhabitants in complete freedom.

Fourth Article. The security of the city of Constantinople, which is the seat of the Khalifate of Islam, the capital of the Sultanate, and the headquarters of the Ottoman Government, and of the Sea of Marmara must be protected from every danger. Provided this principle is maintained, whatever decision may be arrived at jointly by us and all other Governments concerned, regarding the opening of the Bosporus to the commerce and traffic of the world, is valid.

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[1] Close translation from the Turkish, made independently of the French version of the text of the National Pact as printed in the *Proceedings* of the Turkish Chamber of Deputies of February 17, 1920. Taken from Mears, *op. cit.*, p. 339. See also p. 354 n. 1.—ED.

Fifth Article. The rights of minorities as defined in the treaties concluded between the Entente Powers and their enemies and certain of their associates shall be confirmed and assured by us—in reliance on the belief that the Moslem minorities in neighboring countries also will have the benefit of the same rights.

Sixth Article. It is a fundamental condition of our life and continued existence that we, like every country, should enjoy complete independence and liberty in the matter of assuring the means of our development, in order that our national and economic development should be rendered possible and that it should be possible to conduct affairs in the form of a more up-to-date regular administration.

For this reason we are opposed to restrictions inimical to our development in political, judicial, financial, and other matters.

The conditions of settlement of our proved debts shall likewise not be contrary to these principles.

THE ELECTORAL LAW

Law No. 4320 of December 14, 1942

Art. 1. The election of Deputies to the Grand National Assembly of the Turkish Republic shall be according to vilayets. Each vilayet is considered an Electoral Section and each region an Electoral Branch.

Art. 2. One Deputy shall be elected for every 40,000. An Electoral Section of less than 40,000 also shall be entitled to elect one Deputy. For Electoral Sections of more than 40,000 the procedure shall be as follows:

Up to 55,000 one Deputy; two Deputies from 55,001 to 95,000; three for from 95,001 to 135,000 and four from 135,001 to 175,000. As the population increases, the number of the Deputies is proportionally increased.

The Establishment of the Lists of the Voters

Art. 3. If the Grand National Assembly of the Turkish Republic changes the provisions regarding the elections as fixed by the Constitution or if, according to Article 25 of the Constitution, it agrees to hold new elections, the Ministry of the Interior communicates this fact to the vilayets.

Art. 4. The governors general and deputy governors of townships, including the capitals of the vilayets who are in charge of enumerating the Turkish male and female population, shall order and announce an election to the regions and villages dependent on the capital of the vilayet and to the city councils in the capital of the vilayet.

The deputy governors of the townships shall inform the municipalities, regions and villages which are in the township of the vilayet of such an order.

Art. 5. Within ten days of the order and announcement the members of the village assemblies and their municipal officers who receive such an order and announcement shall be obliged to draw up general lists of the male and female population residing in that place or in the neighboring regions and villages. During the enumeration, those who for reasons of health or travel are temporarily in another place shall be registered on the lists of the places of their permanent and not in those of their temporary residence.

The headings of these lists shall be:

A) First name
B) Family name
C) Father's name
Ç) Mother's name
D) Place of birth
E) Date of birth
F) Ward, street name and number of residence
G) Eligibility to vote. Yes or no?
H) Occupation and profession; remarks.

Art. 6. These lists shall be drawn up by wards in the cities and towns, and village by village; they shall be arranged in two categories: for those who are twenty-two years of age (including those who have not yet completed their twenty-second year); the other for those twenty-two years of age and over.

By agreement between the ministries of the Interior and of National Defense the total number of officers and men in military garrisons and establishments shall be determined and appended to the lists.

REQUIREMENTS FOR VOTING

Art. 7. The qualifications for a primary and secondary elector are:

1. That he be a Turk.
2. He shall have passed his twenty-second year.
3. He shall not have been barred from public service.
4. He shall be able to dispose of his property.
5. He does not contemplate becoming the subject of a foreign government.
6. He shall not be in the official employ of a foreign government.

Art. 8. Primary and secondary electors cannot be under arms, gendarmes, officers, policemen, military employees, military magistrates and students of a military school.

Art. 9. According to Articles 7 and 8 of this law those who do not have the primary and secondary electoral rights shall be clearly and openly indicated under column: Eligibility to vote of Article 5.

WHO CANNOT BE A DEPUTY

Art. 10. The following shall be ineligible for election as Deputies:

1. Those who are in the official employ of a foreign government.
2. Those who have been sentenced to prison for any of the following crimes: theft, forgery, fraud, false use of insurance, and fraudulent bankruptcy.
3. Wards of the State.
4. Those who intend to become subjects of foreign governments.
5. Those who have been barred from public service.
6. Those who cannot read and write Turkish.
7. Those who shall not have attained the age of thirty.

Art. 11. Muftis, magistrates, public prosecutors of the Republic, municipal chiefs and teachers and other public employees who are appointed from the capital for their special service shall not be elected Deputies from the Electoral Sections which are within the wards of their employment, except if they resign within three days of the declaration of the Election or, in the event of a new election, two months before the election is begun.

In addition, the following shall be ineligible for election as Deputies:

A) Military employees, military magistrates and officers in the Army, Navy and Air Force who are not permitted to resign;

B) Those who are eligible for retirement and pension but have not requested retirement and pension within ten days before the declaration of the general election. Failure to comply with these conditions nullifies these votes.

Art. 12. Reserve officers who have been called up for instruction and manoeuvres or because of war shall not be barred from election as Deputies.

THE INSPECTION BOARDS

Art. 13. In conformity with Articles 5 and 6 of this law an Inspection Board shall be set up to supervise the election lists of the villages and wards as they begin to come to the city councils in the capitals of the vilayet or townships to which the villages or wards belong. The Inspection Body in these capitals shall comprise from four to ten members depending on the size of the townships belonging to the vilayet and central or capital township of the vilayet. In the capitals of the vilayet the Inspection Board is under the direction of the municipal chief and its membership shall be chosen from the local municipal assembly and the permanent assembly of the vilayet; in the townships this Board shall be chosen by the members of the municipal assembly from among its membership.

PROCEDURE IN THE ELECTION OF THE MEMBERS OF THE INSPECTION BOARD

Art. 14. The Inspection Board shall examine the election lists which have been prepared or submitted. It shall determine whether they conform to the law, or contain errors and other irregularities.

If, during the course of these examinations, investigations shall be required, they shall be carried out accordingly. Examinations and investigations may continue for from five to eight days depending on the size of the township. During this period the Inspection Board shall meet every day.

Art. 15. At the expiration of the designated period of investigation outlined in Article 14, copies of the sections of the eligibility lists inspected by the Inspection Board shall be sent to the wards constituting the capital and its Electoral Branches, and to all other localities and shall be publicly exhibited in suitable places in governmental and municipal departments.

The posting of the lists shall be announced in local newspapers and, where no newspapers exist, through customary centers of information. This shall be the responsibility of municipal, police and village Deputies who shall make certain that the lists remain posted five days.

The lists shall be removed at six o'clock in the evening of the last day of this period by the sectional heads of the administrative and Electoral Branches in the localities which are municipalities.

Art. 16. During the five days that the lists remain posted the Inspection Board shall take note of objections to the listings, omissions, repetitions, incorrect spelling, identification, falsification. The necessary corrections shall be made with the consent of the Inspection Board. Objections made after the removal of the lists shall be disregarded. If the Inspection Board disagrees with the objection, a copy of its decision shall be communicated to the claimant. Within two days of the date of the communication of the decision, those who are not satisfied with the decision of the Inspection Board may appeal the decision of the Inspection Board to the civil courts, or, in the localities where no civil courts exist, to the local courts. Within five days the court shall hand down its final decision.

Official holidays shall not be included in the periods of time specified in these and the previous articles.

The decisions made according to the provisions of this chapter and the claims brought before the courts are not subject to taxation.

DETERMINING THE NUMBER OF DEPUTIES AND SECONDARY ELECTORS—ELECTION PROCEDURE

Art. 17. As soon as the election lists described in Articles 5 and 6 are completed, they shall be submitted to the Inspection Board. The population of a township shall be communicated to a vilayet by an official report. Upon receipt of the official reports of all townships, the Inspection Board shall inform the Ministry of the Interior, shall convene under the direction of a governor-general or minister and shall establish from the report the number of Deputies to be elected according to the regulations and proportions in Article 2. The deputy governors shall at once communicate these results to the Inspection Boards in the vilayet; they are announced through the local newspapers and in localities where no newspapers exist through customary centers of information.

Art. 18. In order to facilitate and speed the voting as many Electoral Branches can be set up by the Inspection Board as shall be needed in densely populated townships and regions, in the case that there are no provisions made in the villages and in the wards of townships for the secondary electors. As soon as the number of secondary electors has been determined by the official report of the Inspection Board and it is decided how many will be chosen on the basis of the provisions of Article 19 and Articles 5 and 6, it shall be communicated to the offices of the deputy governors of the townships and to the offices of the heads of the Electoral Branches. This information is also given to the head office of the vilayet in the capital of the vilayet.

Art. 19. For every four hundred persons of the population, male and female, in the Electoral Branch one secondary elector is chosen. If the population exceeds four hundred, the procedure is as follows: up to 600: one secondary elector; two for from 601 to 1000; and three for from 1001 to 1400 and over.

Art. 20. Under the direction of the Inspection Board, individuals shall be elected to the Electoral Branches from among the incumbents and the alternates and from among those not counted among them but eligible for membership. In the villages the Branch Electoral Board is formed by the elected deputies belonging to the Electoral Branch; in the municipalities it is formed by the municipal heads. If because of the size of the capitals of the vilayets and townships several Electoral Branches are created, three persons, elected by the Inspection Board from the incumbents and alternate members or from citizens not counted among them but eligible for membership, form the Electoral Boards of the Branches and elect the heads from among themselves.

Art. 21. Two separate lists of the men and women in every Electoral Branch who are eligible to vote shall be drawn up by the

Inspection Board and submitted to the heads of the Electoral Branches. In order to compile these lists quickly the Inspection Board may ask the deputy governors in the townships and the governor generals in the capitals of the vilayets for as many secretaries as necessary. The deputy governors and governor-generals may draft all the employees of the departments and all those in service for this work.

Art. 22. If all the provisions of Article 16 are met, small white ballot cards with blank spaces corresponding to the number of voters shall be prepared by the Inspection Board and given to the head of the Electoral Branch; on the reverse side of these ballots is to appear the seal of the Inspection Board. In addition, the head of the Electoral Branch shall take along with him to the voting place a box with a small opening on the top for the ballots. This box shall be large enough to contain the Branch ballots; it shall have two locks, each with a different key. One of the keys of the box shall be in the hands of the head of the Electoral Branch, the other in the hands of one of the members. The secretaries from the capital are assigned to the heads as needed.

Art. 23. As soon as the head of the Electoral Branch arrives at the voting place, the Branch Electoral Board shall assemble immediately and determine:

A) How many voters shall vote each day;
B) According to this how many days the election will last;
C) In how many villages and quarters the voting will take place by means of the ballot-box;
D) At what time and what day the election will commence;
E) At what hours of each day the votes will be accepted.

The decision shall be communicated to the people in the municipalities or in the villages which form the Electoral Branch through the elected Deputies. In this connection, the departments of the local governments shall help each other if the need arises. In the cities and towns which are the capitals of the townships and vilayets it shall be the duty of the Inspection Board to announce the decision to the public.

Art. 24. The election shall be carried out separately in every Electoral Branch. Anyone registered in the lists of one Electoral Branch cannot vote in any other Branch. As long as voting is in progress, the lists of eligible voters shall continue to be posted on the walls of the voting place.

Art. 25. Before beginning the election on the designated day and before ballots are cast in, the head of the Electoral Branch shall show the members and others present that the ballot box is empty; he shall then take one of the keys and lock it, and give the other key to one of the members of the Electoral Board. A cord shall then be drawn around the four sides of the box and the knots sealed.

Art. 26. When the box has been sealed, according to the program originally established, the voting shall begin. Ballots stamped with a seal shall be distributed to the voters who have come to the voting place. It shall be briefly explained and announced to them on posters hung in the voting place:

A) How many secondary electors will have to be elected for the Electoral Branch, and correspondingly how many members are to be written on a ballot;

B) That those who asserted they could not write might be aided by persons in whom they have confidence.

C) That if the number of names written on the ballot exceeds that of the number fixed, only the names in the number requested will be accepted, starting from the first written name; other names will be considered void;

Ç) That if the names written or to be written are less than the number requested, only the names inscribed shall be accepted and registered;

D) That if the same name is written several times on the same ballot, it shall be counted for one vote only.

E) That if the names written on the ballots are illegible, or if they were written on a ballot not stamped with a seal, they shall not be counted;

F) That no signature or mark shall be put on the ballot.

Art. 27. The secretary shall ask every voter who comes to the Electoral Board the name of his village and ward, his first name and family name. If anyone claims acquaintanceship with the voter or if he shows his identification card, a line is drawn at the side of his name and he shall be given permission to cast his ballot. Each voter shall hold his own ballot and shall be obliged to throw it in the box himself. Nobody shall be allowed to cast a ballot for another for any reason whatsoever.

Art. 28. The Electoral Board shall take steps to avoid unnecessary waiting at the election boxes.

Art. 29. In the Electoral Branches where more than one day is necessary to complete the balloting, at the end of each day the Electoral Board first of all shall cover the box-opening with a card, and seal the key-holes and the corners of the card. The box shall then be put in a safe place under guard. The following day when the seals of the box have been inspected by the Board, the box shall be opened and the balloting continued.

Art. 30. No ballots shall be accepted after the expiration of the designated voting time according to Article 23. In the presence of the members of the entire Electoral Board the box shall be opened, and after the cast ballots have been counted one by one, the Electoral Board shall again place them in the box. Then a short record of proceedings shall be made, stating that the number of votes cast corresponds to the number of voters who have presented themselves at the Electoral Branch.

Art. 31. If the number of votes exceeds that of voters, the excess ballots shall be opened and destroyed without being read. An investigation shall be made to determine the source of the additional ballots.

Art. 32. When the counting of the ballots is completed, the names on the ballots shall be arranged on large cards in alphabetical order and handed over to the magistrates according to the procedure described in Article 26. The ballots shall be removed from the ballot box in order to be arranged, following which they shall again be sealed according to the provisions of Article 29. When the classification or the arrangement is completed, an official report shall be prepared showing that the number of ballots counted corresponds to that of voters who participated in the election and who were present at the time the box was opened; a list of the candidates with the number of votes cast for each shall be attached to the end of the classification. This report shall be entrusted to the head of the Electoral Branch who shall hand over the electoral documents together with the ballot box to the Inspection Board in the capital. The official report shall be given individually by the Electoral Board to those who have been elected secondary electors. The secondary electors present these reports to the Inspection Board in the capitals of the vilayet or township where they shall be registered.

At this time the secondary electors are informed of the day and hour when they shall appear before the Inspection Board for the Deputy election. The secondary electors who do not appear at this time to have their official report registered shall be advised through summons of the day and hour to appear.

Art. 33. Ballots, containing the seal of the Inspection Board on the reverse side, shall be distributed to the secondary electors who are present on the appointed day for the Deputy election. If a secondary elector cannot write he may appoint a proxy, and under oath promises not to appear at the place where the Board is convening. If more or fewer names than the number to be elected for the vilayet are written on the ballot, the provisions of Article 26 shall be enforced.

Art. 34. On a table in the room where the Inspection Board convenes shall be a box with an opening at the top into which the ballots shall be inserted. First, the box shall be opened before the ballots are put in to prove to those present that the box is empty; it shall then be locked and the lock covered by a rather large card. The top is then sealed with the personal seals of three of the official voters of the Inspection Board present at the time.

Art. 35. When the box is closed and sealed, the secondary electors shall be called by turn and the votes cast. Care shall be taken that not more than one ballot is in the hands of each voter.

Art. 36. If on the day of the election four-fifths of those who have been elected secondary electors in the township have cast their votes, the box shall be opened, and the official report shall be drawn up for the Inspection Board in the capitals of the vilayet, containing the names of those who have won the election of the Deputyship. If on the appointed day less than four-fifths of the total of the secondary electors of the township are present, the box shall not be opened; a card is placed on the opening and it is sealed with the personal seals of three members of the Inspection Board. Until absent secondary electors arrive, the box is placed in a safe place, and they shall be notified by the Government when to appear at the polls.

Art. 37. On the fixed day the box shall again be opened by the Inspection Board. The summoned secondary electors shall then cast their ballots. Once the box is opened the absent secondary electors shall lose their right to vote.

Art. 38. The ballots which were cast first shall be counted as soon as the box is opened in the presence of the Inspection Board; the names written on the ballots shall be read and registered one by one without discrimination. When sections C, Ç, D and E of Article 26 have been complied with and the reading and registering of all the ballots is completed, the number of votes accruing to each person shall be collected and compiled into a report which shall be signed by the Inspection Board. In addition, the number of those who participated in the election and the number of secondary electors who were elected shall be indicated on the report. The report shall be entrusted to the local Inspection Board for safe-keeping, and the original copy sent to the Inspection Board in the capital of the vilayet through the deputy governor of the township. The official report regarding the election in the capital of the vilayet shall be drawn in this manner while the election is in progress.

Art. 39. As soon as all the reports are compiled and completed by the Inspection Boards of the township, the Inspection Board in the capital of the vilayet convenes under the chairmanship of the governor general and the names of those who have been elected Deputies with the number of votes they have received are officially established. If a tie exists between two electees, lots shall be drawn by members of the Board present. The reports signed by this Board are given to each of the elected Deputies. Two separately signed copies of these official reports shall be sent by the vilayet to the Ministry of the Interior. The Ministry of the Interior sends each part of the official reports from the vilayets, to the Prime Ministry so that they may be submitted to the Director of the Grand National Assembly at its opening session.[1]

Art. 40. If one person is elected Deputy by different vilayets during the general election, he shall be asked which one of these vilayets he prefers to represent. His reply shall be submitted within eight days. A new election shall be held in the vilayet which shows a shortage in the proportional number of Deputies.

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[1] The parliamentary By-Laws (published in the same volume as the Electoral Law, pp. 39-132; see p. 339) contain further provisions on the Formation of the Assembly (Art. 1 to 12) and on the Official Reports of the Election (Art. 13 to 21).—Ed.

Art. 41. After the election is completed, the Inspection Boards in the capitals of the townships and vilayets shall hand over to the municipal department the lists and other documents pertaining to the election in a sealed box for safe-keeping until the next general election.

Art. 42. If an election of Deputies to replace those who have renounced the right of Deputyship, who do not accept or are deceased shall be necessary, the Ministry of the Interior, according to the provisions of the Constitution, shall announce this fact to the respective vilayets. As the secondary electors are summoned, according to the provisions of that section, the election procedure is concluded. If it is understood that the nomination recorded in Article 36 is void because of the lost right of vote, or due to transfer to another vilayet, or to the death of a number of secondary electors, the same steps shall be taken as in the general elections, and others are elected by the Electoral Branches to the places made vacant by secondary electors.

DECLARATION FOR CANDIDACY

Art. 43. As a condition for the authorization of the Electoral Boards of the township to write in the candidacy of a citizen on the lists in the election room, the presiding head of the Inspection Board of the vilayet has to ascertain:

A) That the name of the citizen be announced by his political party;

B) That he make his application by petition signed by 300 voters of that Electoral Department;

C) That the citizen who is eligible to vote and who desires the candidacy make a personal application.

ELECTION EXPENSES

Art. 44. The per diem remuneration legally allowed for travelling expenses and expenses incurred by persons whom the Inspection Boards send as agents to the Electoral Branches in the centers and capitals, and all other expenses connected with the election shall be paid from the public funds.

PENALTIES

Art. 45 to 56.

TREATY OF FRIENDSHIP BETWEEN RUSSIA AND TURKEY

MOSCOW, MARCH 16, 1921[1]

The Government of the Russian Socialist Federal Soviet Republic and the Government of the Grand National Assembly of Turkey, sharing as they do the principles of the liberty of nations, and the right of each nation to determine its own fate, and taking into consideration, moreover, the common struggle undertaken against imperialism, foreseeing that the difficulties arising for the one would render worse the position of the other, and inspired by the desire to bring about lasting good relations and uninterrupted sincere friendship between themselves, based on mutual interests, have decided to sign an agreement to assure amicable and fraternal relations between the two countries, and have for this purpose appointed as their representatives. . . .

I. Each of the contracting parties agrees not to recognise any peace treaty or other international agreement imposed upon the other against its will. The Government of the R.S.F.S.R. agrees not to recognise any international agreement relating to Turkey which is not recognised by the National Government of Turkey, at present represented by the Grand National Assembly.

The expression "Turkey" in the present treaty is understood to mean the territories included in the Turkish National Pact on the 28th January, 1920,[2] elaborated and proclaimed by the Ottoman Chamber of Deputies in Constantinople, and communicated to the press and to all foreign Governments.

The north-east frontier of Turkey is fixed as follows: A line which begins at the village of Sari, situated on the coast of the Black Sea, goes over the mountain Khedis Mga, then by the line of watershed of the mountains Shavshet Dagh and Kapni Dagh, after which it follows the northern border of the sanjaks of Ardahan and Kars, then the thalweg of the rivers Arpa-Chai and Araxes to the mouth of the Lower Kara Su. (A detailed description of the frontier and connected matters is given in Annex I (A) and (B) and on the attached map signed by both contracting parties).[3]

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[1] Translated from Official Collection of Soviet Decrees.

[2] See pp. 357-358.

[3] Not reproduced.

II. Turkey agrees to cede to Georgia the right of suzerainty over the town and the port of Batum, and the territory situated to the north of the frontier mentioned in Article I, which formed part of the district of Batum, on the following conditions:—

(a) The population of the localities specified in the present Article shall enjoy a generous measure of autonomy, assuring to each community its cultural and religious rights, and allowing them to enact agrarian laws in accordance with the wishes of the population of the said districts.

(b) Turkey will be granted free transit for all Turkish imports and exports through the port of Batum, without payment of taxes and customs duties and without delays. The right of making use of the port of Batum without special expenses is assured to Turkey.

III. Both contracting parties agree that the Nakhichevan district, with the boundaries shown in Annex I (C) to the present treaty, shall form an autonomous territory under the protection of Azerbaijan, on condition that the latter cannot transfer this protectorate to any third State. In the Nakhichevan region, which forms a triangle enclosed within the Araxes Valley and the line of the mountains Daghna (3,829), Veli Dagh (4,121), Bagarsik (6,587), Kemurlu Dagh (6,930), the boundary of the above-mentioned district beginning at the Kemurlu Dagh (6,930), passing over Serai Bulak Dagh (8,071) and the station of Ararat, and finishing at the junction of the Kara Su and the Araxes, will be determined by a commission composed of delegates of Turkey, Azerbaijan and Armenia.

IV. The contracting parties, establishing contact between the national movement for the liberation of the Eastern peoples and the struggle of the workers of Russia for a new social order, solemnly recognise the right of these nations to freedom and independence, also their right to choose a form of government according to their own wishes.

V. In order to assure the opening of the Straits to the commerce of all nations, the contracting parties agree to entrust the final elaboration of an international agreement concerning the Black Sea to a conference composed of delegates of the littoral States, on condition that the decisions of the above-mentioned conference shall not be of such a nature as to diminish the full sovereignty of Turkey or the security of Constantinople, her capital.

VI. The contracting parties agree that the treaties concluded heretofore between the two countries do not correspond with their mutual interests, and therefore agree that the said treaties shall be considered as annulled and abrogated.

The Government of the R.S.F.S.R. declares that it considers Turkey to be liberated from all financial and other liabilities based on agreements concluded between Turkey and the Tsarist Government.

VII. The Government of the R.S.F.S.R., holding that the Capitulations régime is incompatible with the full exercise of sovereign rights and the national development of any country, declares this régime and any rights connected therewith to be null and void.

VIII. The contracting parties undertake not to tolerate in their respective territories the formation and stay of organisations or associations claiming to be the Government of the other country or of a part of its territory and organisations whose aim is to wage warfare against the other State.

Russia and Turkey mutually accept the same obligation with regard to the Soviet Republic of the Caucasus.

"Turkish territory," within the meaning of this Article, is understood to be territory under the direct civil and military administration of the Government of the Grand National Assembly of Turkey.

IX. To secure uninterrupted communication between the two countries, both contracting parties undertake to carry out urgently, and in agreement one with the other, all necessary measures for the security and development of the railway lines, telegraph and other means of communication, and to assure free movement of persons and goods between the two countries. It is agreed that the regulations in force in each country shall be applied as regards the movement, entry and exit of travellers and goods.

X. The nationals of both of the contracting parties residing on the territory of the other shall be treated in accordance with the laws in force in the country of their residence, with the exception of those connected with national defence, from which they are exempt. The nationals of the contracting parties will be exempt from the provisions of the present Article as regards family rights, rights of succession and juridical capacity. These latter rights shall be settled by a special agreement.

XI. The contracting parties agree to treat the nationals of one of the parties residing in the territory of the other in accordance with most-favoured-nation principles.

This Article will not be applied to citizens of the Soviet Republics allied with Russia, nor to nationals of Mussulman States allied with Turkey.

XII. Any inhabitant of the territories forming part of Russia prior to 1918, and over which Turkish sovereignty has been acknowledged by the Government of the R.S.F.S.R., in the present treaty, shall be free to leave Turkey and to take with him all his goods and possessions or the proceeds of their sale. The population of the territory of Batum, sovereignty over which has been granted to Georgia by Turkey, shall enjoy the same right.

XIII. Russia undertakes to return, at her own expense within three months, to the north-east frontier of Turkey all Turkish prisoners of war and interned civilians in the Caucasus and in European Russia, and those in Asiatic Russia within six months, dating from the signature of the present treaty. The details concerning the repatriation of these prisoners will be fixed by a special agreement, which will be concluded immediately after the signature of the present treaty.

XIV. The contracting parties agree to conclude in as short a time as possible a consular agreement and other arrangements regulating all economic, financial and other questions which are necessary for the establishment of friendly relations between the two countries, as set forth in the preamble to the present treaty.

XV. Russia undertakes to take the necessary steps with the Transcaucasian Republics with a view to securing the recognition by the latter, in their agreement with Turkey, of the provisions of the present treaty which directly concern them.

XVI. The present treaty shall be subject to the formality of ratification. Ratifications shall be exchanged as soon as possible at Kars. With the exception of Article XIII, the present treaty shall come into force at the moment of the exchange of ratifications.

TREATY OF FRIENDSHIP AND NEUTRALITY BETWEEN TURKEY AND THE UNION OF SOVIET SOCIALIST REPUBLICS[1]

December 17, 1925

The Government of the Union of Soviet Socialist Republics and the Government of the Turkish Republic, recognising that it is in the interest of the two Contracting Parties to define the exact conditions which would contribute to strengthen the permanent normal relations and sincere friendship which unite them, have appointed for that purpose. . . .

Art. 1. In the case of military action being taken against either Contracting Party by one or more other Powers, the other Contracting Party undertakes to maintain neutrality as towards the first Contracting Party.

Note: The expression "military action" shall not be held to include military manoeuvres, since they do not cause any prejudice to the other Party.

Art. 2. Each Contracting Party undertakes to abstain from any aggression against the other; it likewise undertakes not to participate in any alliance or agreement of a political character with one or more other Powers directed against the other Contracting Party, or in any alliance or agreement with one or more other Powers directed against the military or naval security of the other Contracting Party. Furthermore, each of the two Contracting Parties undertakes not to participate in any hostile act by one or more other Powers directed against the other Contracting Party.

Art. 3. The present Treaty shall come into force as soon as it is ratified and shall remain in force for three years. After that period the Treaty shall be regarded as extended automatically for a period of one year, unless one of the Contracting Parties notifies its desire to terminate the Treaty six months before its expiry.

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[1] This Treaty with three Protocols annexed was supplemented by Protocols of Extension (of December 17, 1929, October 30, 1931, and November 7, 1935), and the first Protocol of Extension was supplemented by a Naval Protocol of March 7, 1931 (all published hereinafter). The expiration date of this treaty was November 7, 1945. The treaty was denounced by Russia on March 19, 1945.—Ed.

PROTOCOL I.

It is in any case understood that each Contracting Party retains full freedom of action as regards its relations of all kinds with other Powers outside the limits of the undertakings the conditions of which are laid down in the present Treaty.

PROTOCOL II.

The two Contracting Parties agree that the expression "of a political character" as used in Article 2 of the Treaty of to-day's date should include all such financial or economic agreements between Powers as are directed against the other Contracting Party.

PROTOCOL III.

The two Contracting Parties also undertake to enter into negotiations to determine the methods of settling disputes which may arise between them and which it may not be possible to settle through the ordinary diplomatic channels.

PROTOCOL

OF DECEMBER 17, 1929, AS SUPPLEMENTED BY THE NAVAL PROTOCOL OF MARCH 7, 1931, CONCERNING THE PROLONGATION OF THE TREATY OF FRIENDSHIP AND NEUTRALITY OF DECEMBER 17, 1925, BETWEEN TURKEY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

The Government of the Union of Soviet Socialist Republics and the Government of the Turkish Republic, recognising that it is in the interest of both Governments, and in accordance with their desire, to maintain and further strengthen their permanent normal relations of sincere friendship, have decided to extend the duration of validity of the Treaty of Friendship and Neutrality signed at Paris on December 17, 1925. . . .

Art. 1. The Treaty of Friendship and Neutrality concluded between the Union of Soviet Socialist Republics and the Turkish Republic at Paris on December 17, 1925, is hereby extended for a period of two years dating from its expiry. Should, however, one of the Contracting Parties not notify the other Party six months before the expiry of the period of two years of its desire to terminate the said

Treaty, the Treaty shall be regarded as automatically extended for a fresh period of one year.

Art. 2. Each of the two Parties declares that no agreement other than those already made public exists between itself and other States in the immediate neighbourhood by land or sea of the other Party.

Each of the two Parties undertakes not to institute, without referring to the other Party, any negotiations for the conclusion of political agreements with States in the immediate neighbourhood by land or sea of the said Party, and only to conclude such agreements with the consent of the latter, it being understood that acts for the purpose of establishing or maintaining normal relations with the said States and intended to be made public shall not be affected by the above undertaking.

(as added March 7, 1931) Neither of the High Contracting Parties shall proceed to lay down any naval fighting unit whatsoever for the purpose of strengthening its fleet in the Black Sea or in neighbouring seas, or to place orders for any such unit in foreign shipyards, or to take any other measure the effect of which would be to increase the present strength of its war fleet in the above-mentioned seas, without having notified the second Contracting Party six months previously.

Art. 3. The present Protocol, which shall be annexed to the Soviet-Turkish Treaty of Friendship and Neutrality and which shall form an integral part thereof, shall remain in force for the period of the validity of the Treaty extended in accordance with the provisions contained in Article 1 above.

PROTOCOL

OF OCTOBER 30, 1931

CONCERNING THE PROLONGATION OF THE TREATY OF FRIENDSHIP AND NEUTRALITY OF DECEMBER 17, 1925, THE THREE ANNEXED PROTOCOLS OF THE SAME DATE, AS WELL AS THE PROTOCOL OF PROLONGATION OF DECEMBER 17, 1929, AND THE PROTOCOL OF MARCH 7, 1931

Art. 1.[1] The validity of the Treaty of Friendship and Neutrality concluded at Paris on December 17, 1925, and of the three Protocols annexed thereto bearing the same date, together with the validity of the Protocol of Extension of December 17, 1929, and of the Naval Protocol of March 7, 1931, signed at Ankara, are hereby extended for a period of five years as from their date of expiry.

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[1] Preamble preceding the text corresponding to that of the Protocol of December 17, 1929 (cf. p. 375).—Ed.

Nevertheless, should one of the Contracting Parties not notify the other six months before the end of the period of five years of its intention to terminate the said Treaty, the Treaty and the above-mentioned Protocols shall be regarded as automatically renewed for a further period of one year.

Art. 2. The present Protocol shall come into force as soon as it is ratified, such ratification to be notified by each of the two Parties to the other Contracting Party.

PROTOCOL

CONCERNING THE PROLONGATION OF THE TREATY OF FRIENDSHIP AND NEUTRALITY OF DECEMBER 17, 1925, BETWEEN TURKEY AND THE UNION OF SOVIET SOCIALIST REPUBLICS

NOVEMBER 7, 1935

For the purpose of prolonging for ten years, from to-day's date until November 7, 1945, the Treaty of Friendship and Neutrality and the Protocol of Prolongation, signed on December 17, 1925, and December 17, 1929, respectively, both renewed by the Protocol of October 30, 1931, as well as the Naval Protocol signed on March 7, 1931.

The present Protocol shall be ratified and shall come into force as soon as the instruments of ratification have been exchanged.

It shall be prolonged by tacit consent for periods of two years, unless it is denounced by one of the two Contracting Parties six months before the expiry of this Protocol, or of each subsequent period.

CONVENTION REGARDING THE REGIME OF THE STRAITS, SIGNED AT MONTREUX

July 20, 1936

His Majesty the King of the Bulgarians, the President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India, His Majesty the King of the Hellenes, His Majesty the Emperor of Japan, His Majesty the King of Roumania, the President of the Turkish Republic, the Central Executive Committee of the Union of Soviet Socialist Republics, and His Majesty the King of Yugoslavia;

Desiring to regulate transit and navigation in the Straits of the Dardanelles, the Sea of Marmora and the Bosphorus comprised under the general term "Straits" in such manner as to safeguard, within the framework of Turkish security and of the security, in the Black Sea, of the riparian States, the principle enshrined in article 23 of the Treaty of Peace signed at Lausanne on the 24th July, 1923;

Have resolved to replace by the present Convention the Convention signed at Lausanne on the 24th July, 1923[1] . . . .

Article 1.

The High Contracting Parties recognise and affirm the principle of freedom of transit and navigation by sea in the Straits.

The exercise of this freedom shall henceforth be regulated by the provisions of the present Convention.

Section I. Merchant Vessels

Article 2.

In time of peace, merchant vessels shall enjoy complete freedom of transit and navigation in the Straits, by day and by night, under any flag and with any kind of cargo, without any formalities, except as provided in article 3 below. No taxes or charges other than those authorised by Annex I to the present Convention shall be levied by the Turkish authorities on these vessels when passing in transit without calling at a port in the Straits.

In order to facilitate the collection of these taxes or charges merchant vessels passing through the Straits shall communicate to the officials at the stations referred to in article 3 their name, nationality, tonnage, destination and last port of call (provenance).

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[1] Treaty Series No. 16 (1923). Cmd. 1929. p. 109.

Pilotage and towage remain optional.

Article 3.

All ships entering the Straits by the Aegean Sea or by the Black Sea shall stop at a sanitary station near the entrance to the Straits for the purposes of the sanitary control prescribed by Turkish law within the framework of international sanitary regulations. This control, in the case of ships possessing a clean bill of health or presenting a declaration of health testifying that they do not fall within the scope of the provisions of the second paragraph of the present article, shall be carried out by day and by night with all possible speed, and the vessels in question shall not be required to make any other stop during their passage through the Straits.

Vessels which have on board cases of plague, cholera, yellow fever, exanthematic typhus or smallpox, or which have had such cases on board during the previous seven days, and vessels which have left an infected port within less than five times twenty-four hours shall stop at the sanitary stations indicated in the preceding paragraph in order to embark such sanitary guards as the Turkish authorities may direct. No tax or charge shall be levied in respect of these sanitary guards and they shall be disembarked at a sanitary station on departure from the Straits.

Article 4.

In time of war, Turkey not being belligerent, merchant vessels, under any flag or with any kind of cargo, shall enjoy freedom of transit and navigation in the Straits subject to the provisions of articles 2 and 3.

Pilotage and towage remain optional.

Article 5.

In time of war, Turkey being belligerent, merchant vessels not belonging to a country at war with Turkey shall enjoy freedom of transit and navigation in the Straits on condition that they do not in any way assist the enemy.

Such vessels shall enter the Straits by day and their transit shall be effected by the route which shall in each case be indicated by the Turkish authorities.

Article 6.

Should Turkey consider herself to be threatened with imminent danger of war, the provisions of article 2 shall nevertheless continue to be applied except that vessels must enter the Straits by day and that their transit must be effected by the route which shall, in each case, be indicated by the Turkish authorities.

Pilotage may, in this case, be made obligatory, but no charge shall be levied.

Article 7.

The term "merchant vessels" applies to all vessels which are not covered by Section II of the present Convention.

Section II. Vessels of War

Article 8.

For the purposes of the present Convention, the definitions of vessels of war and of their specification together with those relating to the calculation of tonnage shall be as set forth in Annex II to the present Convention.

Article 9.

Naval auxiliary vessels specifically designed for the carriage of fuel, liquid or non-liquid, shall not be subject to the provisions of article 13 regarding notification, nor shall they be counted for the purpose of calculating the tonnage which is subject to limitation under articles 14 and 18, on condition that they shall pass through the Straits singly. They shall, however, continue to be on the same footing as vessels of war for the purpose of the remaining provisions governing transit.

The auxiliary vessels specified in the preceding paragraph shall only be entitled to benefit by the exceptional status therein contemplated if their armament does not include: for use against floating targets, more than two guns of a maximum calibre of 105 millimetres; for use against aerial targets, more than two guns of a maximum calibre of 75 millimetres.

Article 10.

In time of peace, light surface vessels, minor war vessels and auxiliary vessels, whether belonging to Black Sea or non-Black Sea

Powers, and whatever their flag, shall enjoy freedom of transit through the Straits without any taxes or charges whatever, provided that such transit is begun during daylight and subject to the conditions laid down in article 13 and the articles following thereafter.

Vessels of war other than those which fall within the categories specified in the preceding paragraph shall only enjoy a right of transit under the special conditions provided by articles 11 and 12.

Article 11.

Black Sea Powers may send through the Straits capital ships of a tonnage greater than that laid down in the first paragraph of article 14, on condition that these vessels pass through the Straits singly, escorted by not more than two destroyers.

Article 12.

Black Sea Powers shall have the right to send through the Straits, for the purpose of rejoining their base, submarines constructed or purchased outside the Black Sea, provided that adequate notice of the laying down or purchase of such submarines shall have been given to Turkey.

Submarines belonging to the said Powers shall also be entitled to pass through the Straits to be repaired in dockyards outside the Black Sea on condition that detailed information on the matter is given to Turkey.

In either case, the said submarines must travel by day and on the surface, and must pass through the Straits singly.

Article 13.

The transit of vessels of war through the Straits shall be preceded by a notification given to the Turkish Government through the diplomatic channel. The normal period of notice shall be eight days; but it is desirable that in the case of non-Black Sea Powers this period should be increased to fifteen days. The notification shall specify the destination, name, type and number of the vessels, as also the date of entry for the outward passage and, if necessary, for the return journey. Any change of date shall be subject to three days' notice.

Entry into the Straits for the outward passage shall take place within a period of five days from the date given in the original notification. After the expiry of this period, a new notification shall be given under the same conditions as for the original notification.

When effecting transit, the commander of the naval force shall, without being under any obligation to stop, communicate to a signal station at the entrance to the Dardanelles or the Bosphorus the exact composition of the force under his orders.

Article 14.

The maximum aggregate tonnage of all foreign naval forces which may be in course of transit through the Straits shall not exceed 15,000 tons, except in the cases provided for in article 11 and in Annex III to the present Convention.

The forces specified in the preceding paragraph shall not, however, comprise more than nine vessels.

Vessels, whether belonging to Black Sea or non-Black Sea Powers, paying visits to a port in the Straits, in accordance with the provisions of article 17, shall not be included in this tonnage.

Neither shall vessels of war which have suffered damage during their passage through the Straits be included in this tonnage; such vessels, while undergoing repair, shall be subject to any special provisions relating to security laid down by Turkey.

Article 15.

Vessels of war in transit through the Straits shall in no circumstances make use of any aircraft which they may be carrying.

Article 16.

Vessels of war in transit through the Straits shall not, except in the event of damage or peril of the sea, remain therein longer than is necessary for them to effect the passage.

Article 17.

Nothing in the provisions of the preceding articles shall prevent a naval force of any tonnage or composition from paying a courtesy visit of limited duration to a port in the Straits, at the invitation of the Turkish Government. Any such force must leave the Straits by the same route as that by which it entered, unless it fulfils the conditions required for passage in transit through the Straits as laid down by articles 10, 14 and 18.

Article 18.

(1) The aggregate tonnage which non-Black Sea Powers may have in that sea in time of peace shall be limited as follows:—

(a) Except as provided in paragraph (b) below, the aggregate tonnage of the said Powers shall not exceed 30,000 tons;

(b) If at any time the tonnage of the strongest fleet in the Black Sea shall exceed by at least 10,000 tons the tonnage of the strongest fleet in that sea at the date of the signature of the present Convention, the aggregate tonnage of 30,000 tons mentioned in paragraph (a) shall be increased by the same amount, up to a maximum of 45,000 tons. For this purpose, each Black Sea Power shall, in conformity with Annex IV to the present Convention, inform the Turkish Government, on the 1st January and the 1st July of each year, of the total tonnage of its fleet in the Black Sea; and the Turkish Government shall transmit this information to the other High Contracting Parties and to the Secretary-General of the League of Nations.

(c) The tonnage which any one non-Black Sea Power may have in the Black Sea shall be limited to two-thirds of the aggregate tonnage provided for in paragraphs (a) and (b) above;

(d) In the event, however, of one or more non-Black Sea Powers desiring to send naval forces into the Black Sea, for a humanitarian purpose, the said forces, which shall in no case exceed 8,000 tons altogether, shall be allowed to enter the Black Sea without having to give the notification provided for in article 13 of the present Convention, provided an authorisation is obtained from the Turkish Government in the following circumstances: if the figure of the aggregate tonnage specified in paragraphs (a) and (b) above has not been reached and will not be exceeded by the despatch of the forces which it is desired to send, the Turkish Government shall grant the said authorisation within the shortest possible time after receiving the request which has been addressed to it; if the said figure has already been reached or if the despatch of the forces which it is desired to send will cause it to be exceeded, the Turkish Government will immediately inform the other Black Sea Powers of the request for authorisation, and if the said Powers make no objection within twenty-four hours of having received this information, the Turkish Government shall, within forty-eight hours at the latest, inform the interested Powers of the reply which it has decided to make to their request.

Any further entry into the Black Sea of naval forces of non-Black Sea Powers shall only be effected within the available limits of the aggregate tonnage provided for in paragraphs (a) and (b) above.

(2) Vessels of war belonging to non-Black Sea Powers shall not remain in the Black Sea more than twenty-one days, whatever be the object of their presence there.

Article 19.

In time of war, Turkey not being belligerent, warships shall enjoy complete freedom of transit and navigation through the Straits under the same conditions as those laid down in articles 10 to 18.

Vessels of war belonging to belligerent Powers shall not, however, pass through the Straits except in cases arising out of the application of article 25 of the present Convention, and in cases of assistance rendered to a State victim of aggression in virtue of a treaty of mutual assistance binding Turkey, concluded within the framework of the Covenant of the League of Nations, and registered and published in accordance with the provisions of article 18 of the Covenant.

In the exceptional cases provided for in the preceding paragraph, the limitations laid down in articles 10 to 18 of the present Convention shall not be applicable.

Notwithstanding the prohibition of passage laid down in paragraph 2 above, vessels of war belonging to belligerent Powers, whether they are Black Sea Powers or not, which have become separated from their bases, may return thereto.

Vessels of war belonging to belligerent Powers shall not make any capture, exercise the right of visit and search, or carry out any hostile act in the Straits.

Article 20.

In time of war, Turkey being belligerent, the provisions of articles 10 to 18 shall not be applicable; the passage of warships shall be left entirely to the discretion of the Turkish Government.

Article 21.

Should Turkey consider herself to be threatened with imminent danger of war she shall have the right to apply the provisions of article 20 of the present Convention.

Vessels which have passed through the Straits before Turkey has made use of the powers conferred upon her by the preceding paragraph, and which thus find themselves separated from their bases, may return thereto. It is, however, understood that Turkey may deny this right to vessels of war belonging to the State whose attitude has given rise to the application of the present article.

Should the Turkish Government make use of the powers conferred by the first paragraph of the present article, a notification to that effect shall be addressed to the High Contracting Parties and to the Secretary-General of the League of Nations.

If the Council of the League of Nations decide by a majority of two-thirds that the measures thus taken by Turkey are not justified, and if such should also be the opinion of the majority of the High Contracting Parties signatories to the present Convention, the Turkish Government undertakes to discontinue the measures in question as also any measures which may have been taken under article 6 of the present Convention.

Article 22.

Vessels of war which have on board cases of plague, cholera, yellow fever, exanthematic typhus or smallpox or which have had such cases on board within the last seven days and vessels of war which have left an infected port within less than five times twenty-four hours must pass through the Straits in quarantine and apply by the means on board such prophylactic measures as are necessary in order to prevent any possibility of the Straits being infected.

SECTION III. AIRCRAFT

Article 23.

In order to assure the passage of civil aircraft between the Mediterranean and the Black Sea, the Turkish Government will indicate the air routes available for this purpose, outside the forbidden zones which may be established in the Straits. Civil aircraft may use these routes provided that they give the Turkish Government, as regards occasional flights, a notification of three days, and as regards flights on regular services, a general notification of the dates of passage.

The Turkish Government moreover undertake, notwithstanding any remilitarisation of the Straits, to furnish the necessary facilities for the safe passage of civil aircraft authorised under the air regulations in force in Turkey to fly across Turkish territory between Europe and Asia. The route which is to be followed in the Straits zone by aircraft which have obtained an authorisation shall be indicated from time to time.

SECTION IV. GENERAL PROVISIONS

Article 24.

The functions of the International Commission set up under the Convention relating to the régime of the Straits of the 24th July, 1923, are hereby transferred to the Turkish Government.

The Turkish Government undertake to collect statistics and to furnish information concerning the application of articles 11, 12, 14 and 18 of the present Convention.

They will supervise the execution of all the provisions of the present Convention relating to the passage of vessels of war through the Straits.

As soon as they have been notified of the intended passage through the Straits of a foreign naval force the Turkish Government shall inform the representatives at Angora of the High Contracting Parties of the composition of that force, its tonnage, the date fixed for its entry into the Straits, and, if necessary, the probable date of its return.

The Turkish Government shall address to the Secretary-General of the League of Nations and to the High Contracting Parties an annual report giving details regarding the movements of foreign vessels of war through the Straits and furnishing all information which may be of service to commerce and navigation, both by sea and by air, for which provision is made in the present Convention.

Article 25.

Nothing in the present Convention shall prejudice the rights and obligations of Turkey, or of any of the other High Contracting

Parties members of the League of Nations, arising out of the Covenant of the League of Nations.

SECTION V. FINAL PROVISIONS

Article 26.

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited in the archives of the Government of the French Republic in Paris.

The Japanese Government shall be entitled to inform the Government of the French Republic through their diplomatic representative in Paris that the ratification has been given, and in that case they shall transmit the instrument of ratification as soon as possible.

A *procès-verbal* of the deposit of ratifications shall be drawn up as soon as six instruments of ratification, including that of Turkey, shall have been deposited. For this purpose the notification provided for in the preceding paragraph shall be taken as the equivalent of the deposit of an instrument of ratification.

The present Convention shall come into force on the date of the said *procès-verbal.*

The French Government will transmit to all the High Contracting Parties an authentic copy of the *procès-verbal* provided for in the preceding paragraph and of the *procès-verbaux* of the deposit of any subsequent ratifications.

Article 27.

The present Convention shall, as from the date of its entry into force, be open to accession by any Power signatory to the Treaty of Peace at Lausanne signed on the 24th July, 1923.

Each accession shall be notified, through the diplomatic channel, to the Government of the French Republic, and by the latter to all the High Contracting Parties.

Accessions shall come into force as from the date of notification to the French Government.

Article 28.

The present Convention shall remain in force for twenty years from the date of its entry into force.

The principle of freedom of transit and navigation affirmed in article 1 of the present Convention shall however continue without limit of time.

If, two years prior to the expiry of the said period of twenty years, no High Contracting Party shall have given notice of denunciation to the French Government the present Convention shall continue in force until two years after such notice shall have been given. Any such notice shall be communicated by the French Government to the High Contracting Parties.

In the event of the present Convention being denounced in accordance with the provisions of the present article, the High Contracting Parties agree to be represented at a conference for the purpose of concluding a new Convention.

Article 29.

At the expiry of each period of five years from the date of the entry into force of the present Convention each of the High Contracting Parties shall be entitled to initiate a proposal for amending one or more of the provisions of the present Convention.

To be valid, any request for revision formulated by one of the High Contracting Parties must be supported, in the case of modifications to articles 14 or 18, by one other High Contracting Party, and, in the case of modifications to any other article, by two other High Contracting Parties.

Any request for revision thus supported must be notified to all the High Contracting Parties three months prior to the expiry of the current period of five years. This notification shall contain details of the proposed amendments and the reasons which have given rise to them.

Should it be found impossible to reach an agreement on these proposals through the diplomatic channel, the High Contracting Parties agree to be represented at a conference to be summoned for this purpose.

Such a conference may only take decisions by a unanimous vote, except as regards cases of revision involving articles 14 and 18, for which a majority of three-quarters of the High Contracting Parties shall be sufficient.

The said majority shall include three-quarters of the High Contracting Parties which are Black Sea Powers, including Turkey.[1]

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[1] This Convention is followed by 4 Annexes, a Protocol, and a Correspondence. —Ed.

TREATY OF MUTUAL ASSISTANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM, THE PRESIDENT OF THE FRENCH REPUBLIC AND THE PRESIDENT OF THE TURKISH REPUBLIC

October 19, 1939

The President of the French Republic, His Majesty the King of Great Britain, Ireland and the British Dominions beyond the Seas, Emperor of India (in respect of the United Kingdom of Great Britain and Northern Ireland), and the President of the Turkish Republic:

Desiring to conclude a treaty of a reciprocal character in the interest of their national security, and to provide for mutual assistance in resistance to aggression . . . .

Article 1. In the event of Turkey being involved in hostilities with a European Power in consequence of aggression by that Power against Turkey, France and the United Kingdom will co-operate effectively with Turkey and will lend her all aid and assistance in their power.

Article 2. (1) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which France and the United Kingdom are involved, Turkey will collaborate effectively with France and the United Kingdom and will lend them all aid and assistance in her power.

(2) In the event of an act of aggression by a European Power leading to war in the Mediterranean area in which Turkey is involved, France and the United Kingdom will collaborate effectively with Turkey and will lend her all aid and assistance in their power.

Article 3. So long as the guarantees given by France and the United Kingdom to Greece and Roumania by their respective Declarations of the 13th April, 1939, remain in force, Turkey will co-operate effectively with France and the United Kingdom and will lend them all aid and assistance in her power, in the event of France and the United Kingdom being engaged in hostilities in virtue of either of the said guarantees.

Article 4. In the event of France and the United Kingdom being involved in hostilities with a European Power in consequence of aggression committed by that Power against either of those States without the provisions of Article 2 or 3 being applicable, the High Contracting Parties will immediately consult together.

It is nevertheless agreed that in such an eventuality Turkey will observe at least a benevolent neutrality towards France and the United Kingdom.

Article 5. Without prejudice to the provisions of Article 3 above, in the event of either—

(1) aggression by a European Power against another European State which the Government of one of the High Contracting Parties had, with the approval of that State, undertaken to assist in maintaining its independence or neutrality against such aggression, or

(2) aggression by a European Power which, while directed against another European State, constituted, in the opinion of the Government of one of the High Contracting Parties, a menace to its own security,

the High Contracting Parties will immediately consult together with a view to such common action as might be considered effective.

Article 6. The present Treaty is not directed against any country, but is designed to assure France, the United Kingdom and Turkey of mutual aid and assistance in resistance to aggression should the necessity arise.

Article 7. The provisions of the present Treaty are equally binding as bilateral obligations between Turkey and each of the two other High Contracting Parties.

Article 8. If the High Contracting Parties are engaged in hostilities in consequence of the operation of the present Treaty, they will not conclude an armistice or peace except by common agreement.

Article 9. The present Treaty shall be ratified and the instruments of ratification shall be deposited simultaneously at Angora as soon as possible. It shall enter into force on the date of this deposit.

The present Treaty is concluded for a period of fifteen years. If none of the High Contracting Parties has notified the two others of its intention to terminate it six months before the expiration of the said period, the Treaty will be renewed by tacit consent for a further period of five years, and so on.

PROTOCOL NO. 1.

The undersigned Plenipotentiaries state that their respective Governments agree that the Treaty of to-day's date shall be put into force from the moment of its signature.

The present Protocol shall be considered as an integral part of the Treaty concluded to-day between France, the United Kingdom and Turkey.

PROTOCOL NO. 2.

At the moment of signature of the Treaty between France, the United Kingdom and Turkey, the undersigned Plenipotentiaries, duly authorised to this effect, have agreed as follows:

The obligations undertaken by Turkey in virtue of the abovementioned Treaty cannot compel that country to take action having as its effect, or involving as its consequence, entry into armed conflict with the Soviet Union.

The present Protocol shall be considered as an integral part of the Treaty concluded to-day between France, the United Kingdom and Turkey.

SPECIAL AGREEMENT

IN CONNECTION WITH THE

TREATY OF MUTUAL ASSISTANCE BETWEEN HIS MAJESTY IN RESPECT OF THE UNITED KINGDOM, THE PRESIDENT OF THE FRENCH REPUBLIC AND THE PRESIDENT OF THE TURKISH REPUBLIC[1]

The Governments of the French Republic, of the United Kingdom of Great Britain and Northern Ireland and of the Turkish Republic, desiring to regulate, in connexion with the Treaty signed this day, certain questions concerning Turkey of a financial and economic nature or relative to deliveries of war material, have agreed as follows:—

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[1] The Special Agreement is annexed to the Treaty of Mutual Assistance of October 19, 1939, between the United Kingdom, the French Republic, and the Turkish Republic and followed by an arrangement relating to the credit of £25 million sterling at 4 per cent.—ED.

Article 1. The French Government and the Government of the United Kingdom place at the disposal of Turkey a credit of £25,000,000 destined to cover the supplies of war material referred to in Article 2 below.

In this sum are included the credit of 460,000,000 French francs and that of £10,000,000 which the French Government and the Government of the United Kingdom have already declared their readiness to place at the disposal of Turkey for the same purpose.

The credit referred to above shall be repaid in 20 years; it shall carry interest at 4 per cent.

The conditions of the repayment shall be the object of a subsequent arrangement; the elaboration of this arrangement shall not, however, delay the despatch of the material referred to in Article 2 below.

Article 2. The French Government and the Government of the United Kingdom shall supply to Turkey, as soon as possible, the material forming the subject of the credit mentioned in Article 1, paragraph 2.

A commission comprising qualified representatives of the three Governments shall meet as soon as possible in Paris or London in order to draw up the programme of deliveries corresponding to the surplus of the credit stipulated in Article 1.

Without awaiting the completion of this programme, the commission shall determine the supplies the delivery of which shall be effected as a matter of urgency. For this purpose the commission shall have regard to the necessity of placing Turkey without delay in a position to offer effective resistance to an attack which might be directed at short notice against her European frontiers; it shall equally have regard to the immediate possibilities of the French Government and the Government of the United Kingdom.

Article 3. The stipulations of Articles 1 and 2 above shall not affect any arrangements which may be made between the three Governments in the event of their becoming engaged together in hostilities in execution of the Treaty signed this day, for the purpose of furnishing Turkey with the material which might be recognised as necessary.

Article 4. The French Government and the Government of the United Kingdom shall grant to Turkey a loan of £15,000,000. The equivalent in gold of this amount shall be delivered to the Turkish Government at Angora by the French Government and the Government of the United Kingdom.

This loan shall be repaid within the same period as the war material credit referred to in Article 1 above; it shall carry interest at the rate of 3 per cent.

The French Government and the Government of the United Kingdom agree that the service and amortisation of this loan shall be effected in Turkish pounds which shall be utilised for the purchase of tobacco or, by agreement, of other Turkish products.

Article 5. The French Government and the Government of the United Kingdom shall place respectively at the disposal of Turkey:

the French Government a loan representing the equivalent in French francs at this present date of £1,500,000,

and the Government of the United Kingdom a loan of £2,000,000.

The Turkish Government undertake to use these sums in the first place for the transfer of the French commercial credits recorded this day in the Clearing Account to a maximum of the equivalent in French francs of £1,500,000 at this present date and of the British commercial credits recorded this day in the Clearing Account to a maximum of £2,000,000.

These loans shall be subject to the same conditions as regards interest and repayment as the loan referred to in Article 4.

The present Agreement shall be considered as an integral part of the Treaty concluded this day between France, the United Kingdom and Turkey.

It shall enter into force at the same time and in the same conditions as that Treaty.

TREATY BETWEEN THE TURKISH REPUBLIC AND THE GERMAN REICH

June 18, 1941

The Turkish Republic and the German Reich, desirous of establishing their relations on a basis of mutual confidence and sincere friendship have decided, subject to the already existing engagements of each party, to conclude a treaty and for this purpose have appointed as their respective plenipotentiaries . . . .

Article 1. The Turkish Republic and the German Reich undertake to respect mutually the inviolability and integrity of their territories, and to abstain from all action aimed directly or indirectly against one another.

Article 2. The Turkish Republic and the German Reich undertake to enter into friendly contact in the future in regard to all matters involving their mutual interests with a view to reaching an agreement for their solution.

Article 3. The present Treaty which shall enter into force on the date of its signature shall be valid for a period of ten years. The High Contracting Parties shall in due time reach an agreement on the matter of its prolongation.

The present Treaty shall be ratified and the ratifications shall be exchanged in Berlin as soon as possible.

Done in duplicate in the Turkish and German languages both texts being equally binding.

PART II

Multilateral Treaties and Agreements

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COVENANT OF THE LEAGUE OF NATIONS—ARTICLE 22[1]

THE TREATY OF PEACE

SIGNED AT VERSAILLES, JUNE 28, 1919

To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilisation and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who by reason of their resources, their experience or their geographical position can best undertake this responsibility, and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League.

The character of the mandate must differ according to the stage of the development of the people, the geographical situation of the territory, its economic conditions and other similar circumstances.

Certain communities formerly belonging to the Turkish Empire have reached a stage of development where their existence as independent nations can be provisionally recognised subject to the rendering of administrative advice and assistance by a Mandatory until such time as they are able to stand alone. The wishes of these communities must be a principal consideration in the selection of the Mandatory. . . .

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[1] Although the League of Nations has been dissolved, the text of Article 22 is reproduced since its effect extends beyond the existence of the League. In its last session the members of the Assembly of the League approved a resolution expressing the intention of various powers to continue administration of their mandates until the U. N. Trusteeship Council is established. The Egyptian delegate abstained from voting, expressing the view of his Government that mandates have terminated with the dissolution of the League and that in so far as Palestine is concerned there should be no question of putting that country under trusteeship. Cf. n. 1, p. 397; also cf. art. 4 (c) of the Interim Arrangements, p. 429.—ED.

In every case of mandate, the Mandatory shall render to the Council an annual report in reference to the territory committed to its charge.

The degree of authority, control, or administration to be exercised by the Mandatory shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.

A permanent Commission shall be constituted to receive and examine the annual reports of the Mandatories and to advise the Council on all matters relating to the observance of the mandates.

CHARTER OF THE UNITED NATIONS

Signed at San Francisco on June 26, 1945[1]

We the peoples of the United Nations determined

to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small, and

to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, and to promote social progress and better standards of life in larger freedom,

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[1] The Charter of the United Nations is reprinted here in full, not only because it is of outstanding importance as an instrument of international law for each State, but also because the States to which this volume refers differ in their relations to the United Nations under various stipulations of the Charter. Representatives of Egypt, Iran, Iraq, Lebanon, Saudi Arabia, Syria, and Turkey signed the Charter; and these States have become Members of the United Nations upon ratification by them in accordance with their respective constitutional processes. Among these countries Egypt, Iran, Iraq, Saudi Arabia, and Turkey had been, for a more or less long period of time, independent and sovereign States; whereas Lebanon and Syria had been under Mandate of the League of Nations (cf. p. 162). Afghanistan, having remained neutral during the second World War, was not invited to the San Francisco Conference and was not among the original Members of the United Nations. Afghanistan was formally admitted to membership by vote of the Assembly November 19, 1946. Palestine and Transjordan had both been under Mandate. The status of Palestine is not yet settled. By the Treaty of Alliance of 1946 with Transjordan, the United Kingdom has recognized Transjordan as an independent and sovereign State (see p. 333). The application of Transjordan in 1946 for membership in the United Nations has not been approved by the Security Council.—Ed.

And for these ends

to practice tolerance and live together in peace with one another as good neighbors, and

to unite our strength to maintain international peace and security, and

to ensure, by the acceptance of principles and the institution of methods, that armed force shall not be used, save in the common interest, and

to employ international machinery for the promotion of the economic and social advancement of all peoples,

Have resolved to combine our efforts to accomplish these aims.

Accordingly, our respective Governments, through representatives assembled in the city of San Francisco, who have exhibited their full powers found to be in good and due form, have agreed to the present Charter of the United Nations and do hereby establish an international organization to be known as the United Nations.

CHAPTER I

PURPOSES AND PRINCIPLES

Article 1

The Purposes of the United Nations are:

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;

2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;

3. To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for

fundamental freedoms for all without distinction as to race, sex, language, or religion; and

4. To be a center for harmonizing the actions of nations in the attainment of these common ends.

Article 2

The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.

2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfil in good faith the obligations assumed by them in accordance with the present Charter.

3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.

6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

7. Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.

CHAPTER II

MEMBERSHIP

Article 3

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110.

Article 4

1. Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

2. The admission of any such state to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council.

Article 5

A Member of the United Nations against which preventive or enforcement action has been taken by the Security Council may be suspended from the exercise of the rights and privileges of membership by the General Assembly upon the recommendation of the Security Council. The exercise of these rights and privileges may be restored by the Security Council.

Article 6

A Member of the United Nations which has persistently violated the Principles contained in the present Charter may be expelled from the Organization by the General Assembly upon the recommendation of the Security Council.

CHAPTER III

ORGANS

Article 7

1. There are established as the principal organs of the United Nations: a General Assembly, a Security Council, an Economic and

Social Council, a Trusteeship Council, an International Court of Justice, and a Secretariat.

2. Such subsidiary organs as may be found necessary may be established in accordance with the present Charter.

Article 8

The United Nations shall place no restrictions on the eligibility of men and women to participate in any capacity and under conditions of equality in its principal and subsidiary organs.

Chapter IV

The General Assembly

COMPOSITION

Article 9

1. The General Assembly shall consist of all the Members of the United Nations.

2. Each Member shall have not more than five representatives in the General Assembly.

FUNCTIONS AND POWERS

Article 10

The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters.

Article 11

1. The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the Members or to the Security Council or to both.

2. The General Assembly may discuss any questions relating to the maintenance of international peace and security brought before it by any Member of the United Nations, or by the Security Council,

or by a state which is not a Member of the United Nations in accordance with Article 35, paragraph 2, and, except as provided in Article 12, may make recommendations with regard to any such questions to the state or states concerned or to the Security Council or to both. Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion.

3. The General Assembly may call the attention of the Security Council to situations which are likely to endanger international peace and security.

4. The powers of the General Assembly set forth in this Article shall not limit the general scope of Article 10.

Article 12

1. While the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests.

2. The Secretary-General, with the consent of the Security Council, shall notify the General Assembly at each session of any matters relative to the maintenance of international peace and security which are being dealt with by the Security Council and shall similarly notify the General Assembly, or the Members of the United Nations if the General Assembly is not in session, immediately the Security Council ceases to deal with such matters.

Article 13

1. The General Assembly shall initiate studies and make recommendations for the purpose of:

a. promoting international cooperation in the political field and encouraging the progressive development of international law and its codification;

b. promoting international cooperation in the economic, social, cultural, educational, and health fields, and assisting in the realization of human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

2. The further responsibilities, functions, and powers of the General Assembly with respect to matters mentioned in paragraph 1 (b) above are set forth in Chapters IX and X.

Article 14

Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations.

Article 15

1. The General Assembly shall receive and consider annual and special reports from the Security Council; these reports shall include an account of the measures that the Security Council has decided upon or taken to maintain international peace and security.

2. The General Assembly shall receive and consider reports from the other organs of the United Nations.

Article 16

The General Assembly shall perform such functions with respect to the international trusteeship system as are assigned to it under Chapters XII and XIII, including the approval of the trusteeship agreements for areas not designated as strategic.

Article 17

1. The General Assembly shall consider and approve the budget of the Organization.

2. The expenses of the Organization shall be borne by the Members as apportioned by the General Assembly.

3. The General Assembly shall consider and approve any financial and budgetary arrangements with specialized agencies referred to in Article 57 and shall examine the administrative budgets of such specialized agencies with a view to making recommendations to the agencies concerned.

VOTING

Article 18

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the

maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph 1 (c) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.

Article 19

A Member of the United Nations which is in arrears in the payment of its financial contributions to the Organization shall have no vote in the General Assembly if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years. The General Assembly may, nevertheless, permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

PROCEDURE

Article 20

The General Assembly shall meet in regular annual sessions and in such special sessions as occasion may require. Special sessions shall be convoked by the Secretary-General at the request of the Security Council or of a majority of the Members of the United Nations.

Article 21

The General Assembly shall adopt its own rules of procedure. It shall elect its President for each session.

Article 22

The General Assembly may establish such subsidiary organs as it deems necessary for the performance of its functions.

CHAPTER V

THE SECURITY COUNCIL

COMPOSITION

Article 23

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.

FUNCTIONS AND POWERS

Article 24

1. In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf.

2. In discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations. The specific powers granted to the Security Council for the discharge of these duties are laid down in Chapters VI, VII, VIII, and XII.

3. The Security Council shall submit annual and, when necessary, special reports to the General Assembly for its consideration.

Article 25

The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

Article 26

In order to promote the establishment and maintenance of international peace and security with the least diversion for armaments of the world's human and economic resources, the Security Council shall be responsible for formulating, with the assistance of the Military Staff Committee referred to in Article 47, plans to be submitted to the Members of the United Nations for the establishment of a system for the regulation of armaments.

VOTING

Article 27

1. Each member of the Security Council shall have one vote.

2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

PROCEDURE

Article 28

1. The Security Council shall be so organized as to be able to function continuously. Each member of the Security Council shall for this purpose be represented at all times at the seat of the Organization.

2. The Security Council shall hold periodic meetings at which each of its members may, if it so desires, be represented by a member of the government or by some other specially designated representative.

3. The Security Council may hold meetings at such places other than the seat of the Organization as in its judgment will best facilitate its work.

Article 29

The Security Council may establish such subsidiary organs as it deems necessary for the performance of its functions.

Article 30

The Security Council shall adopt its own rules of procedure, including the method of selecting its President.

Article 31

Any Member of the United Nations which is not a member of the Security Council may participate, without vote, in the discussion of any question brought before the Security Council whenever the latter considers that the interests of that Member are specially affected.

Article 32

Any Member of the United Nations which is not a member of the Security Council or any state which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussion relating to the dispute. The Security Council shall lay down such conditions as it deems just for the participation of a state which is not a Member of the United Nations.

Chapter VI

Pacific Settlement of Disputes

Article 33

1. The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

2. The Security Council shall, when it deems necessary, call upon the parties to settle their dispute by such means.

Article 34

The Security Council may investigate any dispute, or any situation which might lead to international friction or give rise to a dispute, in order to determine whether the continuance of the dispute or situation is likely to endanger the maintenance of international peace and security.

Article 35

1. Any Member of the United Nations may bring any dispute, or any situation of the nature referred to in Article 34, to the attention of the Security Council or of the General Assembly.

2. A state which is not a Member of the United Nations may bring to the attention of the Security Council or of the General Assembly any dispute to which it is a party if it accepts in advance, for the purposes of the dispute, the obligations of pacific settlement provided in the present Charter.

3. The proceedings of the General Assembly in respect of matters brought to its attention under this Article will be subject to the provisions of Articles 11 and 12.

Article 36

1. The Security Council may, at any stage of a dispute of the nature referred to in Article 33 or of a situation of like nature, recommend appropriate procedures or methods of adjustment.

2. The Security Council should take into consideration any procedures for the settlement of the dispute which have already been adopted by the parties.

3. In making recommendations under this Article the Security Council should also take into consideration that legal disputes should as a general rule be referred by the parties to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Article 37

1. Should the parties to a dispute of the nature referred to in Article 33 fail to settle it by the means indicated in that Article, they shall refer it to the Security Council.

2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.

2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.

3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfillment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined, within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.

2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

3. The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

4. The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional subcommittees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.

2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they are members.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken the measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defense shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII

REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

2. The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

3. The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements

or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council.

4. This Article in no way impairs the application of Articles 34 and 35.

Article 53

1. The Security Council shall, where appropriate, utilize such regional arrangements or agencies for enforcement action under its authority. But no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council, with the exception of measures against any enemy state, as defined in paragraph 2 of this Article, provided for pursuant to Article 107 or in regional arrangements directed against renewal of aggressive policy on the part of any such state, until such time as the Organization may, on request of the Governments concerned, be charged with the responsibility for preventing further aggression by such a state.

2. The term enemy state as used in paragraph 1 of this Article applies to any state which during the Second World War has been an enemy of any signatory of the present Charter.

Article 54

The Security Council shall at all times be kept fully informed of activities undertaken or in contemplation under regional arrangements or by regional agencies for the maintenance of international peace and security.

CHAPTER IX

INTERNATIONAL ECONOMIC AND SOCIAL COOPERATION

Article 55

With a view to the creation of conditions of stability and well-being which are necessary for peaceful and friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, the United Nations shall promote:

a. higher standards of living, full employment, and conditions of economic and social progress and development;

b. solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and

c. universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.

Article 56

All Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

Article 57

1. The various specialized agencies, established by intergovernmental agreement and having wide international responsibilities, as defined in their basic instruments, in economic, social, cultural, educational, health, and related fields, shall be brought into relationship with the United Nations in accordance with the provisions of Article 63.

2. Such agencies thus brought into relationship with the United Nations are hereinafter referred to as specialized agencies.

Article 58

The Organization shall make recommendations for the coordination of the policies and activities of the specialized agencies.

Article 59

The Organization shall, where appropriate, initiate negotiations among the states concerned for the creation of any new specialized agencies required for the accomplishment of the purposes set forth in Article 55.

Article 60

Responsibility for the discharge of the functions of the Organization set forth in this Chapter shall be vested in the General Assembly and, under the authority of the General Assembly, in the Economic and Social Council, which shall have for this purpose the powers set forth in Chapter X.

CHAPTER X

THE ECONOMIC AND SOCIAL COUNCIL

COMPOSITION

Article 61

1. The Economic and Social Council shall consist of eighteen Members of the United Nations elected by the General Assembly.

2. Subject to the provisions of paragraph 3, six members of the Economic and Social Council shall be elected each year for a term of three years. A retiring member shall be eligible for immediate re-election.

3. At the first election, eighteen members of the Economic and Social Council shall be chosen. The term of office of six members so chosen shall expire at the end of one year, and of six other members at the end of two years, in accordance with arrangements made by the General Assembly.

4. Each member of the Economic and Social Council shall have one representative.

FUNCTIONS AND POWERS

Article 62

1. The Economic and Social Council may make or initiate studies and reports with respect to international economic, social, cultural, educational, health, and related matters and may make recommendations with respect to any such matters to the General Assembly, to the Members of the United Nations, and to the specialized agencies concerned.

2. It may make recommendations for the purpose of promoting respect for, and observance of, human rights and fundamental freedoms for all.

3. It may prepare draft conventions for submission to the Genreal Assembly, with respect to matters falling within its competence.

4. It may call, in accordance with the rules prescribed by the United Nations, international conferences on matters falling within its competence.

Article 63

1. The Economic and Social Council may enter into agreements with any of the agencies referred to in Article 57, defining the terms on which the agency concerned shall be brought into relationship with the United Nations. Such agreements shall be subject to approval by the General Assembly.

2. It may coordinate the activities of the specialized agencies through consultation with and recommendations to such agencies and through recommendations to the General Assembly and to the Members of the United Nations.

Article 64

1. The Economic and Social Council may take appropriate steps to obtain regular reports from the specialized agencies. It may make arrangements with the Members of the United Nations and with the specialized agencies to obtain reports on the steps taken to give effect to its own recommendations and to recommendations on matters falling within its competence made by the General Assembly.

2. It may communicate its observations on these reports to the General Assembly.

Article 65

The Economic and Social Council may furnish information to the Security Council and shall assist the Security Council upon its request.

Article 66

1. The Economic and Social Council shall perform such functions as fall within its competence in connection with the carrying out of the recommendations of the General Assembly.

2. It may, with the approval of the General Assembly, perform services at the request of Members of the United Nations and at the request of specialized agencies.

3. It shall perform such other functions as are specified elsewhere in the present Charter or as may be assigned to it by the General Assembly.

VOTING

Article 67

1. Each member of the Economic and Social Council shall have one vote.

2. Decisions of the Economic and Social Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 68

The Economic and Social Council shall set up commissions in economic and social fields and for the promotion of human rights, and such other commissions as may be required for the performance of its functions.

Article 69

The Economic and Social Council shall invite any Member of the United Nations to participate, without vote, in its deliberations on any matter of particular concern to that Member.

Article 70

The Economic and Social Council may make arrangements for representatives of the specialized agencies to participate, without vote, in its deliberations and in those of the commissions established by it, and for its representatives to participate in the deliberations of the specialized agencies.

Article 71

The Economic and Social Council may make suitable arrangements for consultation with non-governmental organizations which are concerned with matters within its competence. Such arrangements may be made with international organizations and, where appropriate, with national organizations after consultation with the Member of the United Nations concerned.

Article 72

1. The Economic and Social Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Economic and Social Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

CHAPTER XI

DECLARATION REGARDING NON-SELF-GOVERNING TERRITORIES

Article 73

Members of the United Nations which have or assume responsibilities for the administration of territories whose peoples have not yet attained a full measure of self-government recognize the principle that the interests of the inhabitants of these territories are paramount, and accept as a sacred trust the obligation to promote to the utmost, within the system of international peace and security established by the present Charter, the well-being of the inhabitants of these territories, and, to this end:

a. to ensure, with due respect for the culture of the peoples concerned, their political, economic, social, and educational advancement, their just treatment, and their protection against abuses;

b. to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institutions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement;

c. to further international peace and security;

d. to promote constructive measures of development, to encourage research, and to cooperate with one another and, when and where appropriate, with specialized international bodies with a view to the practical achievement of the social, economic, and scientific purposes set forth in this Article; and

e. to transmit regularly to the Secretary-General for information purposes, subject to such limitation as security and constitutional considerations may require, statistical and other information of a technical nature relating to economic, social, and educational conditions in the territories for which they are respectively responsible other than those territories to which Chapters XII and XIII apply.

Article 74

Members of the United Nations also agree that their policy in respect of the territories to which this Chapter applies, no less than in respect of their metropolitan areas, must be based on the general principle of good-neighborliness, due account being taken of the interests and well-being of the rest of the world, in social, economic, and commercial matters.

CHAPTER XII

INTERNATIONAL TRUSTEESHIP SYSTEM

Article 75

The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories.

Article 76

The basic objectives of the trusteeship system, in accordance with the Purposes of the United Nations laid down in Article 1 of the present Charter, shall be:

a. to further international peace and security;

b. to promote the political, economic, social, and educational advancement of the inhabitants of the trust territories, and their progressive development towards self-government or independence as may be appropriate to the particular circumstances of each territory and its peoples and the freely expressed wishes of the peoples concerned, and as may be provided by the terms of each trusteeship agreement;

c. to encourage respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion, and to encourage recognition of the interdependence of the peoples of the world; and

d. to ensure equal treatment in social, economic, and commercial matters for all Members of the United Nations and their nationals, and also equal treatment for the latter in the administration of justice, without prejudice to the attainment of the foregoing objectives and subject to the provisions of Article 80.

Article 77

1. The trusteeship system shall apply to such territories in the following categories as may be placed thereunder by means of trusteeship agreements:

a. territories now held under mandate;

b. territories which may be detached from enemy states as a result of the Second World War; and

c. territories voluntarily placed under the system by states responsible for their administration.

2. It will be a matter for subsequent agreement as to which territories in the foregoing categories will be brought under the trusteeship system and upon what terms.

Article 78

The trusteeship system shall not apply to territories which have become Members of the United Nations, relationship among which shall be based on respect for the principle of sovereign equality.

Article 79

The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a Member of the United Nations, and shall be approved as provided for in Articles 83 and 85.

Article 80

1. Except as may be agreed upon in individual trusteeship agreements, made under Articles 77, 79, and 81, placing each territory under the trusteeship system, and until such agreements have been concluded, nothing in this Chapter shall be construed in or of itself to alter in any manner the rights whatsoever of any states or any peoples or the terms of existing international instruments to which Members of the United Nations may respectively be parties.

2. Paragraph 1 of this Article shall not be interpreted as giving grounds for delay or postponement of the negotiation and conclusions of agreements for placing mandated and other territories under the trusteeship system as provided for in Article 77.

Article 81

The trusteeship agreement shall in each case include the terms under which the trust territory will be administered and designate the authority which will exercise the administration of the trust territory. Such authority, hereinafter called the administering authority, may be one or more states or the Organization itself.

Article 82

There may be designated, in any trusteeship agreement, a strategic area or areas which may include part or all of the trust territory to which the agreement applies, without prejudice to any special agreement or agreements made under Article 43.

Article 83

1. All functions of the United Nations relating to strategic areas, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the Security Council.

2. The basic objectives set forth in Article 76 shall be applicable to the people of each strategic area.

3. The Security Council shall, subject to the provisions of the trusteeship agreements and without prejudice to security considerations, avail itself of the assistance of the Trusteeship Council to perform those functions of the United Nations under the trusteeship system relating to political, economic, social, and educational matters in the strategic areas.

Article 84

It shall be the duty of the administering authority to ensure that the trust territory shall play its part in the maintenance of international peace and security. To this end the administering authority may make use of volunteer forces, facilities, and assistance from the trust territory in carrying out the obligations towards the Security Council undertaken in this regard by the administering authority, as well as for local defense and the maintenance of law and order within the trust territory.

Article 85

1. The functions of the United Nations with regard to trusteeship agreements for all areas not designated as strategic, including the approval of the terms of the trusteeship agreements and of their alteration or amendment, shall be exercised by the General Assembly.

2. The Trusteeship Council, operating under the authority of the General Assembly, shall assist the General Assembly in carrying out these functions.

CHAPTER XIII

THE TRUSTEESHIP COUNCIL

COMPOSITION

Article 86

1. The Trusteeship Council shall consist of the following Members of the United Nations:

a. those Members administering trust territories;

b. such of those Members mentioned by name in Article 23 as are not administering trust territories; and

c. as many other Members elected for three-year terms by the General Assembly as may be necessary to ensure that the total number of members of the Trusteeship Council is equally divided between those Members of the United Nations which administer trust territories and those which do not.

2. Each member of the Trusteeship Council shall designate one specially qualified person to represent it therein.

FUNCTIONS AND POWERS

Article 87

The General Assembly and, under its authority, the Trusteeship Council, in carrying out their functions, may:

a. consider reports submitted by the administering authority;

b. accept petitions and examine them in consultation with the administering authority;

c. provide for periodic visits to the respective trust territories at times agreed upon with the administering authority; and

d. take these and other actions in conformity with the terms of the trusteeship agreements.

Article 88

The Trusteeship Council shall formulate a questionnaire on the political, economic, social, and educational advancement of the inhabitants of each trust territory, and the administering authority for each trust territory within the competence of the General Assembly shall make an annual report to the General Assembly upon the basis of such questionnaire.

VOTING

Article 89

1. Each member of the Trusteeship Council shall have one vote.

2. Decisions of the Trusteeship Council shall be made by a majority of the members present and voting.

PROCEDURE

Article 90

1. The Trusteeship Council shall adopt its own rules of procedure, including the method of selecting its President.

2. The Trusteeship Council shall meet as required in accordance with its rules, which shall include provision for the convening of meetings on the request of a majority of its members.

Article 91

The Trusteeship Council shall, when appropriate, avail itself of the assistance of the Economic and Social Council and of the specialized agencies in regard to matters with which they are respectively concerned.

Chapter XIV

The International Court of Justice

Article 92

The International Court of Justice shall be the principal judicial organ of the United Nations. It shall function in accordance with the annexed Statute, which is based upon the Statute of the Permanent Court of International Justice and forms an integral part of the present Charter.[1]

Article 93

1. All Members of the United Nations are *ipso facto* parties to the Statute of the International Court of Justice.

2. A state which is not a Member of the United Nations may become a party to the Statute of the International Court of Justice on conditions to be determined in each case by the General Assembly upon the recommendation of the Security Council.

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[1] See Department of State, Publication 2353, *Conference Series* 74, pp. 37-53.

Article 94

1. Each Member of the United Nations undertakes to comply with the decision of the International Court of Justice in any case to which it is a party.

2. If any party to a case fails to perform the obligations incumbent upon it under a judgment rendered by the Court, the other party may have recourse to the Security Council, which may, if it deems necessary, make recommendations or decide upon measures to be taken to give effect to the judgment.

Article 95

Nothing in the present Charter shall prevent Members of the United Nations from entrusting the solution of their differences to other tribunals by virtue of agreements already in existence or which may be concluded in the future.

Article 96

1. The General Assembly or the Security Council may request the International Court of Justice to give an advisory opinion on any legal question.

2. Other organs of the United Nations and specialized agencies, which may at any time be so authorized by the General Assembly, may also request advisory opinions of the Court on legal questions arising within the scope of their activities.

Chapter XV

The Secretariat

Article 97

The Secretariat shall comprise a Secretary-General and such staff as the Organization may require. The Secretary-General shall be appointed by the General Assembly upon the recommendation of the Security Council. He shall be the chief administrative officer of the Organization.

Article 98

The Secretary-General shall act in that capacity in all meetings of the General Assembly, of the Security Council, of the Economic and Social Council, and of the Trusteeship Council, and shall perform such other functions as are entrusted to him by these organs. The Secretary-General shall make an annual report to the General Assembly on the work of the Organization.

Article 99

The Secretary-General may bring to the attention of the Security Council any matter which in his opinion may threaten the maintenance of international peace and security.

Article 100

1. In the performance of their duties the Secretary-General and the staff shall not seek or receive instructions from any government or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization.

2. Each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 101

1. The staff shall be appointed by the Secretary-General under regulations established by the General Assembly.

2. Appropriate staffs shall be permanently assigned to the Economic and Social Council, the Trusteeship Council, and, as required, to other organs of the United Nations. These staffs shall form a part of the Secretariat.

3. The paramount consideration in the employment of the staff and in the determination of the conditions of service shall be the necessity of securing the highest standards of efficiency, competence, and integrity. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible.

Chapter XVI

Miscellaneous Provisions

Article 102

1. Every treaty and every international agreement entered into by any Member of the United Nations after the present Charter

comes into force shall as soon as possible be registered with the Secretariat and published by it.

2. No party to any such treaty or international agreement which has not been registered in accordance with the provisions of paragraph 1 of this Article may invoke that treaty or agreement before any organ of the United Nations.

Article 103

In the event of a conflict between the obligations of the Members of the United Nations under the present Charter and their obligations under any other international agreement, their obligations under the present Charter shall prevail.

Article 104

The Organization shall enjoy in the territory of each of its Members such legal capacity as may be necessary for the exercise of its functions and the fulfillment of its purposes.

Article 105

1. The Organization shall enjoy in the territory of each of its Members such privileges and immunities as are necessary for the fulfillment of its purposes.

2. Representatives of the Members of the United Nations and officials of the Organization shall similarly enjoy such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization.

3. The General Assembly may make recommendations with a view to determining the details of the application of paragraphs 1 and 2 of this Article or may propose conventions to the Members of the United Nations for this purpose.

CHAPTER XVII

TRANSITIONAL SECURITY ARRANGEMENTS

Article 106

Pending the coming into force of such special agreements referred to in Article 43 as in the opinion of the Security Council enable it to begin the exercise of its responsibilities under Article 42, the parties to the Four-Nation Declaration, signed at Moscow, October 30, 1943, and France, shall, in accordance with the provisions of paragraph 5 of that Declaration, consult with one another and as occasion requires with other Members of the United Nations with a view to such joint action on behalf of the Organization as may be necessary for the purpose of maintaining international peace and security.

Article 107

Nothing in the present Charter shall invalidate or preclude action, in relation to any state which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action.

CHAPTER XVIII

AMENDMENTS

Article 108

Amendments to the present Charter shall come into force for all Members of the United Nations when they have been adopted by a vote of two thirds of the members of the General Assembly and ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations, including all the permanent members of the Security Council.

Article 109

1. A General Conference of the Members of the United Nations for the purpose of reviewing the present Charter may be held at a date and place to be fixed by a two-thirds vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Each Member of the United Nations shall have one vote in the conference.

2. Any alteration of the present Charter recommended by a two-thirds vote of the conference shall take effect when ratified in accordance with their respective constitutional processes by two thirds of the Members of the United Nations including all the permanent members of the Security Council.

3. If such a conference has not been held before the tenth annual session of the General Assembly following the coming into force of the present Charter, the proposal to call such a conference shall be

placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council.

CHAPTER XIX

RATIFICATION AND SIGNATURE

Article 110

1. The present Charter shall be ratified by the signatory states in accordance with their respective constitutional processes.

2. The ratifications shall be deposited with the Government of the United States of America, which shall notify all the signatory states of each deposit as well as the Secretary-General of the Organization when he has been appointed.

3. The present Charter shall come into force upon the deposit of ratifications by the Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, and by a majority of the other signatory states. A protocol of the ratifications deposited shall thereupon be drawn up by the Government of the United States of America which shall communicate copies thereof to all the signatory states.

4. The states signatory to the present Charter which ratify it after it has come into force will become original Members of the United Nations on the date of the deposit of their respective ratifications.

Article 111

The present Charter, of which the Chinese, French, Russian, English, and Spanish texts are equally authentic, shall remain deposited in the archives of the Government of the United States of America. Duly certified copies thereof shall be transmitted by that Government to the Governments of the other signatory states.

IN FAITH WHEREOF the representatives of the Governments of the United Nations have signed the present Charter.

DONE at the city of San Francisco the twenty-sixth day of June, one thousand nine hundred and forty-five.

INTERIM ARRANGEMENTS

CONCLUDED BY THE GOVERNMENTS REPRESENTED AT THE UNITED NATIONS CONFERENCE ON INTERNATIONAL ORGANIZATION. SIGNED AT SAN FRANCISCO

JUNE 26, 1945

EXCERPTS

The governments represented at the United Nations Conference on International Organization in the city of San Francisco,

Having determined that an international organization to be known as the United Nations shall be established,

Having this day signed the Charter of the United Nations, and

Having decided that, pending the coming into force of the Charter and the establishment of the United Nations as provided in the Charter, a Preparatory Commission of the United Nations should be established for the performance of certain functions and duties,

AGREE as follows:

1. There is hereby established a Preparatory Commission of the United Nations for the purpose of making provisional arrangements for the first sessions of the General Assembly, the Security Council, the Economic and Social Council, and the Trusteeship Council, for the establishment of the Secretariat, and for the convening of the International Court of Justice. . . .

4. The Commission shall: . . .

c. formulate recommendations concerning the possible transfer of certain functions, activities, and assets of the League of Nations which it may be considered desirable for the new Organization to take over on terms to be arranged;

d. examine the problems involved in the establishment of the relationship between specialized intergovernmental organizations and agencies and the Organization. . . .

THE SYKES-PICOT AGREEMENT[1]

MAY 9 AND 16, 1916

Anglo-Franco-Russian Agreement of April and May, 1916.

1. France and Great Britain are prepared to recognise and uphold an independent Arab State or a Confederation of Arab States in the areas shown as (A) and (B) on the annexed map,[2] under the suzerainty of an Arab Chief. France in area (A) and Great Britain in area (B) shall have a right of priority in enterprises and local loans. France in area (A) and Great Britain in area (B) shall alone supply foreign advisers or officials on the request of the Arab State or the Confederation of Arab States.

2. France in the Blue area and Great Britain in the Red area shall be at liberty to establish such direct or indirect administration or control as they may desire or as they may deem fit to establish after agreement with the Arab State or Confederation of Arab States.

3. In the Brown area there shall be established an international administration of which the form will be decided upon after consultation with Russia, and after subsequent agreement with the other Allies and the representatives of the Sharif of Mecca.

4. There shall be accorded to Great Britain

(a) The Ports of Haifa and Acre;

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[1] "The Sykes-Picot Agreement was concluded in the form of diplomatic notes exchanged between the Governments of the three Powers, in which the claims of each Power to portions of the Ottoman Empire after its dismemberment were recognised by the other two. Notes defining the Russian share were exchanged in Petrograd on April 26, 1916, between the Minister of Foreign Affairs (M. Sazonoff) and the French Ambassador (M. Paléologue), and in London a few weeks later between the Secretary of State for Foreign Affairs (Sir Edward Grey) and the Russian Ambassador (Count Benckendorff). Notes defining the British and French shares were exchanged in London on May 9 and May 16, between Sir Edward Grey and the French Ambassador (M. Paul Cambon).

"The text reproduced below is only that of the Anglo-French section of the Agreement, since that section alone dealt with the future of Arab territories. It is my own translation of the French version published in A. Giannini, Documenti per la Storia della Pace orientale, Rome 1933" (George Antonius, *op. cit.*, p. 428).

See also the important *Correspondence between Sir Henry McMahon and the Sherif Hussein of Mecca*, July 1915—March 1916; Cmd. 5957. H.M. Stationery Office, London, 1939. Sir Henry McMahon was at that time British High Commissioner at Cairo. Also *Report of a Committee* set up to consider certain correspondence between Sir Henry McMahon and the Sharif of Mecca in 1915 and 1916. Cmd. 5974. H.M. Stationery Office, London, 1939. This correspondence is also extensively quoted in George Antonius, *op. cit.*, pp. 413-427.—ED.

[2] Not reproduced here.—ED.

(b) Guarantee of a specific supply of water from the Tigris and the Euphrates in area (A) for area (B). His Majesty's Government, on their part, undertake that they will at no time initiate negotiations for the concession of Cyprus to any third Power without the previous consent of the French Government.

5. Alexandretta shall be a free port as regards the trade of the British Empire and there shall be no differentiation in treatment with regard to port dues or the extension of special privileges affecting British shipping and commerce; there shall be freedom of transit for British goods through Alexandretta and over railways through the Blue area, whether such goods are going to or coming from the Red area, area (A) or area (B); and there shall be no differentiation in treatment, direct or indirect, at the expense of British goods on any railway or of British goods and shipping in any port serving the areas in question.

Haifa shall be a free port as regards the trade of France, her colonies and protectorates, and there shall be no differentiation in treatment or privilege with regard to port dues against French shipping and commerce. There shall be freedom of transit through Haifa and over British railways through the Brown area, whether such goods are coming from or going to the Blue area, area (A) or area (B), and there shall be no differentiation in treatment, direct or indirect, at the expense of French goods on any railway or of French goods and shipping in any port serving the areas in question.

6. In area (A), the Baghdad Railway shall not be extended southwards beyond Mosul, and in area (B), it shall not be extended northwards beyond Samarra, until a railway connecting Baghdad with Aleppo along the basin of the Euphrates will have been completed, and then only with the concurrence of the two Governments.

7. Great Britain shall have the right to build, administer and be the sole owner of the railway connecting Haifa with area (B). She shall have, in addition, the right in perpetuity and at all times of carrying troops on that line. It is understood by both Governments that this railway is intended to facilitate communication between Baghdad and Haifa, and it is further understood that, in the event of technical difficulties and expenditure incurred in the maintenance of this line in the Brown area rendering the execution of the project impracticable, the French Government will be prepared to

consider plans for enabling the line in question to traverse the polygon formed by Banias-Umm Qais-Salkhad-Tall ‘Osda-Mismieh before reaching area (B).

8. For a period of twenty years, the Turkish customs tariff shall remain in force throughout the Blue and Red areas as well as in areas (A) and (B), and no increase in the rates of duties and no alteration of *ad valorem* duties into specific duties shall be made without the consent of the two Powers.

There shall be no internal customs barriers between any of the areas mentioned above. The customs duties to be levied on goods destined for the interior shall be collected at the ports of entry and remitted to the Administration of the area of destination.

9. It is understood that the French Government will at no time initiate any negotiations for the cession of their rights and will not cede their prospective rights in the Blue area to any third Power other than the Arab State or Confederation of Arab States, without the previous consent of His Majesty's Government who, on their part, give the French Government a similar undertaking in respect of the Red area.

10. The British and French Governments shall agree to abstain from acquiring and to withhold their consent to a third Power acquiring territorial possessions in the Arabian Peninsula; nor shall they consent to the construction by a third Power of a naval base in the islands on the eastern seaboard of the Red Sea. This, however, will not prevent such rectification of the Aden boundary as might be found necessary in view of the recent Turkish attack.

11. The negotiations with the Arabs concerning the frontiers of the Arab State or Confederation of Arab States shall be pursued through the same channel as heretofore in the name of the two Powers.

12. It is understood, moreover, that measures for controlling the importation of arms into the Arab territory will be considered by the two Governments.[1]

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[1] See also Temperley, *History of the Peace Conference of Paris*, vol. VI, London, 1924, pp. 13-18; and F. S. Cocks, *The Secret Treaties and Understandings*, London, 1918, pp. 43-48.

THE SAADABAD PACT

CONCLUDED BETWEEN IRAN, AFGHANISTAN, IRAQ AND TURKEY
JULY 8, 1937

PREAMBLE

H.I.M. the Shahinshah of Iran
H.M. the King of Afghanistan
H.M. the King of Iraq
The President of the Turkish Republic

wishing to contribute by all means in their power to the maintenance of friendly relations between one another;

animated by the desire to ensure peace and security in the Near East by means of additional guarantees within the framework of the Covenant of the League of Nations and so to contribute to general peace;

mindful of their obligations under the Treaty renouncing war signed at Paris on August 27, 1928, and under the other Treaties to which they are party, all of which are in accord with the Covenant of the League of Nations and the Treaty renouncing war;

have decided to conclude the present Treaty . . . .

CLAUSE I

The High Contracting Parties agree to pursue a policy of complete non-intervention in their internal affairs.

CLAUSE II

The High Contracting Parties agree expressly to respect the inviolability of their common frontiers.

CLAUSE III

The High Contracting Parties agree to consult one another in all international conflicts affecting their common interests.

CLAUSE IV

Each of the High Contracting Parties agrees with one another to have recourse under no circumstances, either alone or in conjunction with one or more third powers to any act of aggression directed against the other.

The following will be considered as acts of aggression:

1. Declaration of war.
2. The invasion, by the armed forces of any State, even without declaration of war, of the territory of another State.
3. An attack by the land, naval or air forces of any State, even without a declaration of war, on the territory, fleet or air force of another State.
4. Direct or indirect aid or assistance to the aggressor.

The following will not be considered acts of aggression:

1. The exercise of the right of self-defence, that is to say, resistance to an act of aggression as defined above.
2. Action on or application of Article 16 of the Covenant of the League of Nations.
3. Action resulting from a decision taken by the Assembly or Council of the League of Nations, or from application of Article 15, paragraph 7 of the Covenant of the League of Nations, provided that in the last case this action is taken against the State which was the first to attack.
4. Action in aid of a State which is the victim of attack, invasion, or recourse to war on the part of another of the High Contracting Parties contrary to the Treaty renouncing war signed at Paris on August 27, 1928.

Clause V

If one of the High Contracting Parties considers that a violation of Clause IV of the present Treaty has been or is about to be committed, it will immediately bring the question before the Council of the League of Nations. This provision shall in no way prejudice the right of the High Contracting Party to take any measures which it may consider necessary under the circumstances.

Clause VI

If one of the High Contracting Parties commits an act of aggression against a third power, the other High Contracting Party can, without warning, denounce the present Treaty as far as the aggressor is concerned.

Clause VII

Each of the High Contracting Parties agrees to take measures within its own sphere, against the formation or activities of armed bands, associations or organisations for the subversion of established institutions with a view to the disturbance of the order or security of any part, frontier or otherwise, of the territory of the other Party, or with a view to the disturbance of the authority of the Government of that other Party.

CLAUSE VIII

The High Contracting Parties having already recognised in the general Pact renouncing war of August 27, 1928, that the regulation or solution of all differences or disputes, whatever their nature or origin, that might arise between them, should never be sought except by peaceful means, hereby confirm that agreement and declare that they will have recourse to the procedures laid down or to be laid down for that purpose between the High Contracting Parties.

CLAUSE IX

None of the clauses of the present Treaty shall be considered as in any way diminishing the obligations assumed by each of the High Contracting Parties in virtue of the Covenant of the League of Nations.

CLAUSE X

The present Treaty, drawn up in French, and signed in quadruplicate, each of the High Contracting Parties certifying that they have received a copy, is concluded for a period of five years.

At the expiration of this term, unless one of the High Contracting Parties shall have given six months' notice of its withdrawal, the Treaty shall be considered as having been renewed for a fresh period of five years, and so on from time to time, until one or more of the High Contracting Parties shall have given six months' notice of its withdrawal. The Treaty, although denounced by one of the Parties, shall continue to exist between the others.

The present Treaty shall be ratified by each of the High Contracting Parties in conformity with its constitution and registered with the League of Nations by the Secretary General, who shall be requested to bring it to the notice of the other members of the League.

The instruments of ratification shall be deposited by each of the High Contracting Parties with the Iranian Government.

As soon as the instruments of ratification shall have been deposited by two of the High Contracting Parties, the present Treaty shall come into force between the two Parties. It will come into force with the third when that Party shall have deposited its instrument of ratification and so with the fourth.

Each deposit of instruments of ratification shall be immediately notified by the Government of Iran to all the signatories of the present Treaty.

THE PACT OF THE LEAGUE OF ARAB STATES

Signed on March 22, 1945

His Excellency the President of the Syrian Republic
His Royal Highness the Emir of Transjordan
His Majesty the King of Iraq
His Majesty the King of Saudi Arabia
His Excellency the President of the Lebanese Republic
His Majesty the King of Egypt
His Majesty the King of Yemen[1]

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[1] There is no organic law in the Yemen. In 1935 it was proposed that a constitution be adopted (*Oriente Moderno*, vol. 15 [1935], pp. 529-530) but such action has not yet been taken. The Islamic canon law (Shariah) prevails in both the religious and the civil spheres.

The ruler, who bears the title of Imam, has absolute powers. Theoretically his office is not hereditary but is conferred only after a free election. In practice, however, the Imam names his own successor. In 1932 the present Imam, Yahya ibn Muhammad Hamid al-Din, designated his son, Sayf al-Islam Ahmad, as crown prince.

There exists a High Council, which was reconstituted by the Imam in two decrees promulgated in 1936 (*Oriente Moderno*, vol. 16 [1936], p. 472). According to the best information obtainable these decrees are still in force. In accordance with them the High Council is presided over by the Crown Prince and made up of the various cabinet ministers, who have usually been sons of the Imam. The ministers of Foreign Affairs, Education, Finance, Economic Affairs, Agriculture, and Roads and Commerce, who form the Cabinet, function in reality only as advisors to the Imam, who wields supreme power in these branches of the government as also in the realm of Justice. The Prime Minister, Qadi Abdallah al-Amri, who is chief advisor to the Imam, has considerable influence, apparently the only person not a member of the Imam's family of which this is true.

Thanks are due to Mr. Harold W. Glidden, Chief, Near East Section, Division of Orientalia, Library of Congress, Washington, for providing this information.—Ed.

With a view to strengthening the close relations and numerous ties which bind the Arab States,

And out of concern for the cementing and reinforcing of these bonds on the basis of respect for the independence and sovereignty of these States,

And in order to direct their efforts toward the goal of the welfare of all the Arab States, their common weal, the guarantee of their future and the realization of their aspirations,

And in response to Arab public opinion in all the Arab countries,

Have agreed to conclude a pact to this effect. . . .

Article 1.

The League of Arab States shall be composed of the independent Arab States that have signed this Pact.

Every independent Arab State shall have the right to adhere to the League. Should it desire to adhere, it shall present an application to this effect which shall be filed with the permanent General Secretariat and submitted to the Council at its first meeting following the presentation of the application.

Article 2.

The purpose of the League is to draw closer the relations between member States and coordinate their political activities with the aim of realizing a close collaboration between them, to safeguard their independence and sovereignty, and to consider in a general way the affairs and interests of the Arab countries.

It also has among its purposes a close cooperation of the member States, with due regard to the structure of each of these States and the conditions prevailing therein, in the following matters:

(a) Economic and financial matters, including trade, customs, currency, agriculture and industry.
(b) Communications, including railways, roads, aviation, navigation, and posts and telegraphs.
(c) Cultural matters.
(d) Matters connected with nationality, passports, visas, execution of judgments and extradition.
(e) Social welfare matters.
(f) Health matters.

Article 3.

The League shall have a Council composed of the representatives of the member States. Each State shall have one vote, regardless of the number of its representatives.

The Council shall be entrusted with the function of realizing the purposes of the League and of supervising the execution of the agreements concluded between the member States on matters referred to in the preceding article or on other matters.

It shall also have the function of determining the means whereby the League will collaborate with the international organizations which may be created in the future to guarantee peace and security and organize economic and social relations.

Article 4.

A special Committee shall be formed for each of the categories enumerated in Article 2, on which the member States shall be represented. These committees shall be entrusted with establishing the basis and scope of cooperation in the form of draft agreements which shall be submitted to the Council for its consideration preparatory to their being submitted to the States referred to.

Delegates representing the other Arab countries may participate in these Committees as members. The Council shall determine the circumstances in which the participation of these representatives shall be allowed as well as the basis of the representation.

Article 5.

The recourse to force for the settlement of disputes between two or more member States shall not be allowed. Should there arise among them a dispute that does not involve the independence of a State, its sovereignty or its territorial integrity, and should the two contending parties apply to the Council for the settlement of this dispute, the decision of the Council shall then be effective and obligatory.

In this case, the States among whom the dispute has arisen shall not participate in the deliberations and decisions of the Council.

The Council shall mediate in a dispute which may lead to war between two member States or between a member State and another State in order to conciliate them.

The decisions relating to arbitration and mediation shall be taken by majority vote.

Article 6.

In case of aggression or threat of aggression by a State against a member State, the State attacked or threatened with attack may request an immediate meeting of the Council.

The Council shall determine the necessary measures to repel this aggression. Its decision shall be taken unanimously. If the aggression is committed by a member State, the vote of that State will not be counted in determining unanimity.

If the aggression is committed in such a way as to render the Government of the State attacked unable to communicate with the Council, the representative of that State in the Council may request the Council to convene for the purpose set forth in the preceding paragraph. If the representative is unable to communicate with the Council, it shall be the right of any member State to request a meeting of the Council.

Article 7.

The decisions of the Council taken by a unanimous vote shall be binding on all the member States of the League; those that are reached by a majority vote shall bind only those that accept them.

In both cases the decisions of the Council shall be executed in each State in accordance with the fundamental structure of that State.

Article 8.

Every member State of the League shall respect the form of government obtaining in the other States of the League, and shall recognize the form of government obtaining as one of the rights of those States, and shall pledge itself not to take any action tending to change that form.

Article 9.

The States of the Arab League that are desirous of establishing among themselves closer collaboration and stronger bonds than those provided for in the present Pact, may conclude among themselves whatever agreements they wish for this purpose.

The treaties and agreements already concluded or that may be concluded in the future between a member State and any other State, shall not be binding on the other members.

Article 10.

The permanent seat of the League of Arab States shall be Cairo. The Council of the League may meet at any other place it designates.

Article 11.

The Council of the League shall meet in ordinary session twice a year, during the months of March and October. It shall meet in extraordinary session at the request of two member States whenever the need arises.

Article 12.

The League shall have a permanent General Secretariat, composed of a Secretary General, Assistant Secretaries and an adequate number of officials.

The Secretary General shall be appointed by the Council upon the vote of two thirds of the States of the League. The Assistant Secretaries and the principal officials shall be appointed by the Secretary General with the approval of the Council.

The Council shall establish an internal organization for the General Secretariat as well as the conditions of service of the officials.

The Secretary General shall have the rank of Ambassador and the Assistant Secretaries the rank of Minister Plenipotentiary.

The first Secretary General of the League is designated in an annex to the present Pact.

Article 13.

The Secretary General shall prepare the draft of the budget of the League and submit it for approval to the Council before the beginning of each fiscal year.

The Council shall determine the share of each of the States of the League in the expenses. It shall be allowed to revise the share if necessary.

Article 14.

The members of the Council of the League, the members of its Committees, and such of its officials as shall be designated in the internal organization, shall enjoy, in the exercise of their duties, diplomatic privileges and immunities.

The premises occupied by the institutions of the League shall be inviolable.

Article 15.

The Council shall meet for the first time at the invitation of the Head of the Egyptian Government. Later meetings shall be convoked by the Secretary General.

In each ordinary session the representatives of the States of the League shall assume the chairmanship of the Council in rotation.

Article 16.

Except for the cases provided for in the present Pact, a majority shall suffice for decisions by the Council effective in the following matters:

(a) Matters concerning the officials.
(b) The approval of the budget of the League.
(c) The internal organization of the Council, the Committees and the General Secretariat.
(d) The termination of the sessions.

Article 17.

The member States of the League shall file with the General Secretariat copies of all treaties and agreements which they have concluded or will conclude with any other State, whether a member of the League or otherwise.

Article 18.

If one of the member States intends to withdraw from the League, the Council shall be informed of its intention one year before the withdrawal takes effect.

The Council of the League may consider any State that is not fulfilling the obligations resulting from this Pact as excluded from the League, by a decision taken by a unanimous vote of all the States except the State referred to.

Article 19.

The present Pact may be amended with the approval of two thirds of the members of the League, in particular for the purpose of strengthening the ties between them, of creating an Arab Court of Justice, and of regulating the relations of the League with the international organizations that may be created in the future to guarantee security and peace.

No decision shall be taken as regards an amendment except in the session following that in which it is proposed.

Any State that does not approve an amendment may withdraw from the League when the amendment becomes effective, without being bound by the provisions of the preceding article.

Article 20.

The present Pact and its annexes shall be ratified in accordance with the fundamental form of government in each of the contracting States.

The instruments of ratification shall be filed with the General Secretariat and the present Pact shall become binding on the States that ratify it fifteen days after the Secretary General receives instruments of ratification from four States.

The present Pact has been drawn up in the Arabic language in Cairo and dated 8 Rabi' al-Thani 1364 (22 March 1945) in a single text which shall be deposited with the General Secretariat.

A certified copy shall be sent to each of the States of the League.

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Page 4.......Constitution, date of publication.
Page 7.......Definition, "Ahl-i-Zimma," "Ahl-i-Kitab."
Page 17.......1. Addendum to constitution, date of publication.
2. Correction of the official English translation of text of constitution as published.

Egypt

Page 22.......Note on differing texts of article 35 of constitution.
Page 52.......Agreement relative to administration of the Soudan (1899) to be compared with treaty of alliance (1936).
Page 54.......Abrogation of provisions by which Suakin was excepted from the general regime. Mixed Tribunals.
Page 56.......Treaty relations between the United Kingdom and Egypt under discussion.
Page 57.......Date of admission of Egypt to the League of Nations.
Page 64.......Reference for convention of May 8, 1937, with regard to abolition of the capitulations in Egypt.
Page 66.......Mention of agreed minute, notes, oral declaration and convention which accompany the treaty of alliance (1936).

Iran

Page 68.......Request by the government of Persia in 1935 to other governments to discontinue the use of "Persia" and "Persian" and to use instead "Iran" and "Iranian."
Page 72.......Date of Persian New Year's Day.
Page 78.......Note on Shi'ite form of Islam.
Page 79.......Explanation of the titles "Imam of the Age," "Proofs of Islam," "Best of Mankind," "Proof of the Age" in Fundamental Laws of Iran.
Page 90.......Note on electoral law of Iran (in body of text).
Page 91.......Treaty of friendship between Persia and Russia (1921). Correction of text of article 3 by exchange of notes.
Pages 92, 93...Interpretation of articles 5 and 6 by exchange of notes.
Pages 95, 96...Reference to above-mentioned exchange of notes.

Iraq

Page 142......Electoral law, date of publication.
Page 143......1. Reference for convention between the United States, Great Britain, and Iraq (1930) as to rights of the U.S.A. and of its nationals in Iraq.
2. Date of admission of Iraq to the League of Nations.

Page 148......Mention of exchange of notes accompanying treaty of alliance between the United Kingdom and Iraq (1930).

Page 149......Admission of Iraq to the League of Nations. Procedure followed for termination of mandatory regime.

Page 159......1. Reference for summary of terms of Treaty of Muhammarah (Iraq-Saudi Arabia).
2. Reference for Agreement of Bahra (Iraq-Saudi Arabia).
3. Reference for treaty of amity, protocol of arbitration, and treaty of extradition (Iraq-Saudi Arabia).

Lebanon

Page 162......Historical sketch of steps by which independent status was acquired by Syria and Lebanon.

Page 163......Reference for convention between the United States and France (1924) as to mutual rights in Syria and Lebanon.

Page 170......Development of constitution of Lebanese Republic.

Page 186......Preparation of new electoral law for Lebanon.

Page 201......References for statements of British policy with respect to Syria and Lebanon (1941).

Palestine

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Page 240......Legislative Council election order (1922) not in effect.

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Promise of new constitution.

Page 250......1. Creation of new Pilgrimage Committee.
2. Administration of Ministry of Foreign Affairs.
3. Modification of Department of Financial Affairs.

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Page 254......1. Modification of Department of Accounts.
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Page 258......Source, Arabic text of decree of January 29, 1927.

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Page 261......Reference to note indicating steps by which Syria and Lebanon acquired independent status.

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Page 276......Abrogration of article 116 of constitution. Procedure followed.

Page 296......References for agreements, protocols, etc., with respect to Alexandretta and Antioch. Negotiations between France and Turkey.

Page 299......Mention of protocol, annexes, etc., which follow the Franco-Turkish arrangement (1939).

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Page 315......Legislative Council electoral law. Dates of publication and of promulgation.

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Page 324......1. Date of publication, regulations for primary and secondary elections.

2. Date of publication, regulations regarding preparation of electoral registers.

3. Date of publication, regulations for representation of Bedouins.

4. Date of publication, General Administration of Wilayets (Amendment) Law.

5. Date of publication, amended regulations for administrative councils in Liwas and Qadaas.

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Date of expiration of the treaty.
Date of denunciation of the treaty by Russia.

Page 378......Reference for Lausanne Convention of July 24, 1923, which was replaced by the Montreux Convention (Regime of the Straits).

Page 388......Mention of annexes, protocol, and correspondence which follow the Montreux Convention.

Page 391......Mention of the special agreement and the arrangement for credit which follow the treaty of mutual assistance (1939) between the United Kingdom, France, and Turkey.

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